

## EXTENSIONS OF REMARKS

## TRIBUTE TO COCO WEINRAUB

## HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. LEVINE of California. Mr. Speaker, I rise to pay tribute to Coco Weinraub, a constituent of mine recently selected to receive the Los Angeles Outstanding Youth Award. In addition to this honor, she was also asked to participate in the Junior Statesman Summer School here in Washington.

Only 100 outstanding students are chosen each year to attend this summer program. As one of them, Coco should be recognized as one of the leaders of her generation.

Her academic accomplishments are impressive. She is an "A" student at Pacific Palisades High School where she will be in the 11th grade next year. In addition to her scholastic achievements, she also participates in Student Council, the Speech Team, and is a writer for the National Youth News Service.

Mr. Speaker, I am proud to have a young constituent as talented and impressive as Coco Weinraub. I ask my colleagues to join with me in paying tribute to a remarkable young woman.

## "PRIVATE" UNDERCAPITALIZED INSURANCE AND H.R. 4907

## HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. GRADISON. Mr. Speaker, the insurance of savings deposits is an important matter. Last year, in Ohio, and later in Maryland, this point was made all too clear.

In Ohio, savings in some 71 savings and loans were insured by a private entity, the Ohio Deposit Guarantee Fund (ODGF). Despite its official-looking seal, emblazoned with the words "all deposits GUARANTEED in full" (emphasis not added), the ODGF was an undercapitalized, private entity that was loosely regulated by the State.

The House may soon take up H.R. 4907, a bill to recapitalize the Federal Savings and Loan Insurance Corporation. The bill will create a Federal version of the ODGF; that is, private and undercapitalized. H.R. 4907 does acknowledge that FSLIC is insolvent, and is unable to step in and take care of the one-fifth or so of the troubled (that is, failed and failing) S&L's nationally. This modest step, however, pales in comparison to the problems with H.R. 4907.

Principally, these problems are:

(1) By taking only a partial step now, we ensure a larger cost later. Few are arguing that this plan will be adequate for the long run.

(2) The financing proposed in H.R. 4907 is complicated solely to mask the true nature of this transaction—borrowing by the Federal Government. This is the result of an obsession to keep the costs off-budget. We can pay now, or we can pay later. Does anyone really believe that we will not come to the rescue of this private financing corporation as the Ohio Legislature ultimately did when ODGF failed?

(3) The fancy financing may not work, if as experts predict, the shell financing corporation has difficulty collecting sufficient premiums from insured S&L's. If sound S&L's opt out, even with a required exit penalty, the S&L system will end up in worse, not better, shape.

(4) Necessary policy reforms are missing. When we bailed out the Farm Credit System, we instituted tough new policies at the same time. Throwing \$15 billion at FSLIC without exacting some operating changes is not my idea of meaningful reform.

Mr. Speaker, taking a partial step in the right direction is not always the start of a great journey. In this case, it is more like Oliver Hardy stepping off the curb into a 10-foot puddle.

## TRIBUTE TO W. AVERELL HARRIMAN

## HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. RODINO. Mr. Speaker, last Saturday, the Nation suffered a great loss when one of our finest public servants, W. Averell Harriman, passed away.

Ambassador Harriman was blessed with a rare combination of compassion and wisdom. Although born to privilege and power, he never used it to insulate himself from problems facing the world. Instead, he devoted his lifetime trying to solve those problems with thoughtful and firm persuasion. Although a wealthy and well-educated man, Ambassador Harriman never forgot the less fortunate members of our society. As Governor of New York, he worked tirelessly to champion the rights of the handicapped and minorities. Always concerned with the frightening arms race, Ambassador Harriman played a key role in negotiation of the Test Ban Treaty between the United States and the U.S.S.R.

Mr. Speaker, I pay tribute to Ambassador Harriman and I express my deepest sympathy to his lovely wife, Pamela, and their family. I commend to you the following article about Ambassador Harriman, published in the New York Times, July 30, 1986.

## HARRIMAN LAUDED AS A "STATESMAN"—MOURNERS PAY TRIBUTE TO HIM AND A CAREER IN DIPLOMACY SPANNING HALF CENTURY

(By Frank Lynn)

W. Averell Harriman was mourned, celebrated and honored yesterday at funeral services that attracted some of the leading officials of the nation, the state and the city—testimony to a career that spanned more than half a century and the whole world.

Mr. Harriman, a former Governor of New York who was better known for his service as diplomat, foreign policy negotiator, Cabinet member and adviser to four Presidents, died at his home in Yorktown Heights last Saturday of kidney failure complicated by pneumonia. He was 94 years old.

He was Ambassador to the Soviet Union and Britain and an Ambassador at-large. He negotiated the nuclear test ban treaty, was an adviser to Franklin D. Roosevelt at Teheran and Yalta and played a key role in Vietnam peace talks a quarter of a century later.

Mr. Harriman administered the National Recovery Administration in the Depression and the Marshall Plan in post-World War II Europe. He knew every Soviet leader from Leon Trotsky to Yuri V. Andropov, the former Communist Party general secretary whom he visited in 1983.

As a private citizen, he was heir to the Union Pacific Railroad fortune, chairman of the board of that railroad, an investment banker, a noted polo player and art collector and an ardent Democrat, a partisanship that was reflected in the audience at yesterday's funeral.

## SIMPLE SERVICE

"A great and extraordinary person has departed this life," said the Rev. Paul Moore Jr., the Episcopal Bishop of New York at the simple service in the Gothic interior of St. Thomas Episcopal Church at Fifth Avenue and 53d Street.

"To read his life story even in summary is a staggering experience," the bishop told 900 mourners. "To see history through the eyes of one who was there, with sense and deep commitment to justice and peace and freedom, who was there at almost every dangerous lurch of events in this strange century of ours," Mr. Moore said.

"We do not paint a plastic saint today," said the Bishop, "but we do paint a man filled with the obligation of his nobility."

"He was one to whom much was given, and he gave and gave and gave much more to us all. Would that everyone, however great or small his heritage, could be such a steward of his talents. He spread himself upon the whole world."

## A ROUSING HYMN

His was the only eulogy at the service, which consisted largely of scripture readings, psalms and hymns, concluded by a rousing "Battle Hymn of the Republic" in which the congregation joined a 14-member choir.

But there were many other eulogies in written statements and spoken on the steamy sidewalk outside the church.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"The world has lost one of her most respected statesmen," said President Reagan in a statement. "The death of Averell Harriman closes a chapter in diplomatic history which only someone of his talent and stature could have written."

In a letter to Pamela Harriman, Mikhail S. Gorbachev, the Soviet General Secretary, hailed Mr. Harriman for "his devotion till the last days of his life to the cause of strengthening mutual understanding between the Soviet and American peoples and improving the relations between the U.S.S.R. and the United States."

**"A GREAT REASSURANCE"**

Prime Minister Margaret Thatcher of Britain wrote to Mrs. Harriman, "Your husband was a man of immense distinction, truly one of the great figures of modern history." She added: "The fact that so many different Presidents recognized and drew upon his skill and experience was a great tribute to him as well as a great reassurance to America's allies, who saw him as a trusted friend and a firm champion of liberty." Mrs. Thatcher was represented at the funeral service by Lord Oliver Franks.

Outside the church, Walter F. Mondale, the former Vice President and the Democratic Presidential candidate in 1984, said that Mr. Harriman was "a remarkable human being."

"His kind doesn't exist anymore," said Henry A. Kissinger, the former Secretary of State who was joined by two other former Secretaries of State, Cyrus W. Vance and Edmond G. Muskie.

Vernon A. Walters, the United States Ambassador to the United Nations, described Mr. Harriman as "a universal statesman." Mr. Walters, who was representing the Reagan Administration, had worked with Mr. Harriman at the Vietnam peace talks in Paris.

**A HARRIMAN AIDE**

Senator Daniel Patrick Moynihan, who had been a Harriman aide in the 1954 election for governor and later assistant secretary to Governor Harriman, said that "as much as we are diminished by his death, we are enhanced by his life." The Senator from New York noted outside the church that he and his wife, Elizabeth, had met in that campaign.

Former Gov. Hugh L. Carey recalled that in the midst of the city fiscal crisis 10 years ago, Mr. Harriman, although suffering from injuries received in a fall at his Georgetown home, insisted on writing to various senators promoting Federal loan guarantees for New York City.

Governor Cuomo and his wife, Matilda, and former Governor Carey and Malcolm Wilson along with Mayor Koch followed the coffin into the church. Also present were three former mayors, Robert F. Wagner Sr., John V. Lindsay and Abraham D. Beame.

Mrs. Harriman led a family group that included two daughters, Mary Harriman Fisk and Kathleen Harriman Mortimer, both of Manhattan; six grandchildren, and six great-grandchildren.

Among the ushers were former Secretary of Defense Clark Clifford; Nicholas deB. Katzenbach, the former Attorney General; McGeorge Bundy, John Kenneth Galbraith and Arthur Schlesinger, foreign policy advisers to various Presidents, and Sydney Gruson, vice chairman of The New York Times Company.

Senator Edward M. Kennedy and Ethel Kennedy led Kennedy family members and former Kennedy aides who were friends as

well as governmental associates to Mr. Harriman.

The mourners filled the steps of the church between two rows of state troopers. Other police including five New York City motorcycle officers had led the funeral cortege to the church and after the service to the Harriman family estate in Harriman, N.Y., where Mr. Harriman was buried. Family members and friends later attended a reception at Arden House, the one-time Harriman estate in the Ramapo Mountains near Harriman.

**FREEDOM FOR SOVIET  
REFUSENIK JULIAN EDELSTEIN**

**HON. JAMES J. FLORIO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. FLORIO. Mr. Speaker, I have returned from a visit to the Soviet Union with a firm resolve to direct the attention of my colleagues to a number of cases of individuals who have been subjected to harassment in return for declaring their wish to emigrate. I was accompanied on my visit by six constituents, Alan Respler, Michael Varbalow, Eugene Bass, Mort and Claire Jacobs, and Marcy Sanders. They were able to accompany me on several of my visits with Soviet refuseniks and families of prisoners of conscience.

A poignant experience was the visit to the mother of a prisoner, Julian Edelstein, who was imprisoned after having filed for a visa to emigrate. Julian was arrested in September 1984 and falsely charged with possession of narcotics. He was sentenced to 3 years in a labor camp and has since been imprisoned under less than humanitarian conditions. His mother, Mrs. Anya Edelstein of Moscow, reports that he is suffering from injuries received during a fall and has not been permitted access to competent medical attention.

Mr. Speaker, all of us were struck by the unfairness of this situation and by the courage shown by Mrs. Edelstein and her family. Michael Varbalow, a member of my group from New Jersey, was quick to take action on his return to the United States. He has written to U.S. Secretary of State George Shultz to request the intervention of our Government in this tragic case and to transmit to him a copy of a letter that Mrs. Edelstein presented to us from herself and Julian's wife on Julian's behalf. I wanted to share with my colleagues the following texts of Mr. Varbalow's letter and Mrs. Edelstein's plea.

JUBANYIK, VARBALOW, TEDESCO &  
SHAW,

Collingswood, NJ, July 18, 1986.

Re: Julian Edelstein, Soviet Refusenik.

HON. GEORGE SHULTZ,  
Secretary of State,  
Washington, DC.

DEAR MR. SHULTZ: Recently, I returned from a trip to the Soviet Union. We were accompanied on the trip by the Hon. James J. Florio, United States Congressman from the First Congressional District of New Jersey. During our trip we had the opportunity to meet with many Refuseniks, and with the families of prisoners, who were imprisoned after their applications for exit visas had been filed. Among other people, we met

with Mrs. Anya Edelstein, the mother of Julian Edelstein, a prisoner from Moscow. Mrs. Edelstein entrusted me with a handwritten letter addressed to you, which is enclosed herewith.

The enclosed letter was given to me on Thursday, July 10, 1986. At that time Julian Edelstein was still in a prison hospital, being denied the medical care required, notwithstanding an order that had been issued on May 27, 1986 by the Medical Office of the Ministry of Home Affairs of the Soviet Union, which order directed that Julian Edelstein be transported to Novosibirsk for proper medical treatment. I was advised on Thursday, July 17, 1986, by a person who had recently called the Soviet Union, that Mr. Edelstein has this week been transferred to the hospital at Novosibirsk, however, we do not know this to be correct.

In support of Mrs. Edelstein's letter addressed to you, I respectfully request your office to inquire as to the subject matters raised in the enclosed letter. It would be greatly appreciated by those of us who are attempting to assist the Refuseniks and the families of prisoners if your office could determine the status of Julian Edelstein and advise us of the same. It is our belief that inquiries from well respected officials of the United States Government will encourage the Soviet Union to relax its policy with respect to Refusenik emigration.

In addition to the above, I feel compelled to comment upon our experiences with the United States Consulate in Leningrad and the American Embassy in Moscow. Ambassador Hartman and Consul-General McGee represent the highest quality of the Diplomatic Corps. They and their staffs were most gracious to us and they were able to share with us important insights as to the situations prevailing in the Soviet Union. They have made us prouder to be Americans during the time we were in the Soviet Union.

It is our fervent hope that when Mr. Gorbachev visits Washington this winter that the human rights issues previously raised by our Government will be a high priority item on the agenda. It is clear that the Soviet Government has many needs, especially in view of their serious economic crisis brought about by the reduced price of oil, the nuclear accident at Chernobyl, the low productivity of their industry and the discontent of their citizens. We believe that the United States has an opportunity to bargain from a position of strength with respect to arms limitations, nuclear testing limitations, trade, technological and cultural exchange, and human rights. We urge our Government to be strong and to insist on significant substantive concessions for any benefits that we may confer upon the Soviet Government. Thank you for the continuing good works that you are doing for our Country.

Respectfully yours,

MICHAEL D. VARBALOW.

LETTER TO SECRETARY GEORGE SHULTZ FROM  
MRS. ANYA EDELSTEIN

HONORABLE MR. GEORGE SHULTZ: We, mother and wife of Julian Edelstein, who was arrested on the 4th of September, 1984, and sentenced to 3 years in labour camps under a false charge of "keeping narcotic stuff," inform you of the danger his health and life are now in.

On the 29th of January, 1986, he fell from a 4 metre height against the ice during his work at the camp 94/4 in Vydrino, Buryatia



and, as a result, broke his hip-bone, some pelvic bones and had his urinary canals torn. After that awful trauma he was deported to a prison hospital in Ulan-Ude, Buryatia, where there have never been any specialists in this field. For more than 6 months by now he has been kept there, deprived of proper medical care, depending only on short visits of invited physicians. During all this awful time, we have been constantly appealing to our government and to Gorbachev personally for his release. The official answers we got say that his physical state is still not bad enough to come under their list of discharges.

On the 27th of May, the medical office of the Ministry of Home Affairs gave out a special order for transporting Julian to Novosibirsk by plane. This order has not been obeyed for 1.5 months by now—due to all kinds of bureaucratic obstacles. This fact alone shows there is no chance for him to get any proper help in time until he is released even if somebody were willing to help him there. Besides, in Novosibirsk they have no operating urologists in the hospital he is supposed to get to at last.

So our request is: help us to get Julian free, help us to take the few chances left to restore his health, to have him operated on in normal conditions by experienced surgeons, to provide for him further treatment during the long post-operation period.

With true respect,  
MOTHER AND WIFE OF JULIAN EDELSTEIN.

#### HOME CARE QUALITY

**HON. EDWARD R. ROYBAL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. ROYBAL. Mr. Speaker, I rise today, as chairman of the House Select Committee on Aging, to call the Members' attention to an issue of vital concern to all individuals and families being cared for in their own homes, that is, the quality of health and support services provided. It was out of this concern that the House Select Committee on Aging held a hearing on home care quality yesterday.

I rise also to alert the Member's to an important report released at the hearing. This report on home care quality, authored by the American Bar Association [ABA], documents the inadequacy of the current system of home care quality and the need for reforms to assure that home care beneficiaries receive the highest quality services. The ABA is to be commended for this timely and insightful analysis of home care quality assurance at the Federal and State level in this country.

The results of the committee's July 29 hearing and the ABA report highlight our lack of knowledge about the quality of care being provided to persons in their homes and the inadequacy of our current system of standards and monitoring for home care quality. By home care, we refer to the full range of health and supportive services provided to elderly and disabled persons under Medicare, Medicaid, the Social Services Block Grant Program, and the Older Americans Act.

While home care services generally enjoy a good reputation, we are deeply concerned by the potential for quality problems in light of the rapid growth in home care services in

recent years, the increased financial pressures on home care providers under cost containment, the absence of adequate Federal and State quality assurance systems for home care, the lack of training for home care personnel, and, most importantly, the vulnerability of the elderly and disabled home care consumer. Clearly, home care plays a vital role in permitting older persons to continue living independently or with families in the community. Yet, providing care in the home carries the risk of poor care, unreliable services, and outright neglect, abuse and exploitation. It is therefore imperative that we have in place a means of assuring the quality of home care services if we are to be successful in providing elderly and disabled persons with the opportunity for a meaningful, healthful, and independent life.

The ABA report provides us the means for educating ourselves and the public about home care quality. With this report, it is my hope that we can focus our attention on the critical need to develop standards and monitoring mechanisms which will assure the users of home care services and their families that home care services are reliable and of the highest quality possible. I urge you, as Members of Congress and as spokespeople for Americans of all ages, to join with me in this effort.

In this spirit, I will be introducing a major reform bill within the next few weeks which establishes a home care consumer bill of rights, sets standards, creates quality assurance monitoring and sanctioning mechanisms, calls for research and demonstration projects, and requires that data be collected on home care services delivered under Medicare, Medicaid, the Social Services Block Grant Program and the Older Americans Act. When introduced, I will turn to the Members again for their support of the legislation.

#### TRANSPORTATION OF HANDICAPPED

**HON. NORMAN Y. MINETA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. MINETA. Mr. Speaker, I am pleased to join with my colleague, Congressman JOHN PAUL HAMMERSCHMIDT, the ranking minority member of the Subcommittee on Aviation of the Committee on Public Works and Transportation, in introducing H.R. 5274, a bill which will ensure that airlines do not discriminate against handicapped passengers.

During the past year I have met with representatives of handicapped groups and I have been concerned with the special difficulties that handicapped persons sometimes face when they seek to travel. One cause of the difficulties appears to be that there is considerable confusion among airlines and their employees about the obligations of an airline to furnish the same air transportation services to the handicapped as are furnished to other passengers.

The confusion has been increased by a recent Supreme Court decision in the case of Department of Transportation versus Para-

lyzed Veterans of America in which the Court ruled that nonsubsidized airlines are not subject to the requirements of section 504 of the Rehabilitation Act of 1973 prohibiting discrimination against the handicapped. Although I believe that the Federal Aviation Act, which was not involved in the Supreme Court decision, continues to protect handicapped passengers against discrimination, I believe that legislation is needed to clarify the situation and to give some specific guidance to the Department of Transportation as to the steps we wish them to take in carrying out their responsibilities.

The bill I have cosponsored makes it clear that airlines may not exclude handicapped persons from air transportation services that are available to other persons. The bill also requires that the Secretary of Transportation take specific steps in carrying out her responsibilities to enforce this requirement. First, the Secretary must provide within 90 days that DOT's current regulations setting out specific requirements for the service which subsidized airlines provide to handicapped passengers shall be extended to all airlines. These regulations, which were adopted after extensive consideration by the Civil Aeronautics Board, establish specific requirements on such issues as the rights of handicapped passengers to carry necessary personal equipment.

The bill I have cosponsored also requires the Secretary to review the procedures for dealing with the handicapped which the airlines have filed with the Federal Aviation Administration. Under current regulations, FAA does not review these policies to determine whether they are discriminatory but only reviews them to determine whether they create safety problems. Some procedures which the airlines have filed with FAA have been challenged by representatives of the handicapped as discriminating against handicapped persons without any safety justification. The provisions in our bill requiring review of the procedures will help clarify the situation. In addition, review of these procedures would end the current confused state of affairs in which many airline employees believe that their airlines' policies for dealing with the handicapped are required by FAA or have been determined by FAA to be nondiscriminatory.

Mr. Speaker, I strongly believe that handicapped passengers are entitled to take full advantage of the mobility afforded by air transportation and that handicapped persons are entitled to be treated with dignity when they travel. The legislation we are introducing will help ensure that handicapped passengers can travel without any special problems arising from their handicapped status.

#### ARMSTRONG WORLD INDUSTRIES

**HON. WILLIAM F. CLINGER, JR.**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. CLINGER. Mr. Speaker, Armstrong World Industries, Inc., a firm employing some 20,000 men and women in more than 50 manufacturing plants around the world, is sched-

uled to begin production this fall at a new manufacturing plant located in Beech Creek, PA, which I am proud to say is located in my congressional district.

Armstrong World Industries, Inc., already had a facility in Beech Creek in which the company formerly processed carpet yarn. However, the company said in 1981 that a shift in consumer demands would force them to close the Beech Creek facility and offer it for sale.

Fortunately, as things worked out, the company decided it could indeed still use the Beech Creek facility for other purposes. They approved plans for a \$9 million restructuring of the existing plant building and for the purchase of machinery and equipment to produce material to be used in the manufacture of a variety of Armstrong's interior furnishings products. Initially, the new plant will employ about 35 people.

I would like to commend Armstrong World Industries, Inc., for making the decision to stay in Beech Creek and for finding a new use for their property that will allow the company to again become an active corporate citizen of the Beech Creek community.

That area, like many areas in my congressional district, has been especially hard hit by unemployment that followed the last recession and we have never fully recovered.

The decision by Armstrong World Industries, Inc., to stay in Beech Creek is significant because of the reason cited by Joseph L. Jones, Armstrong's chairman and chief executive officer.

Mr. Jones said the company had noted a turnaround in Pennsylvania's business climate under Gov. Dick Thornburgh's administration and believes that the administration and the general assembly are truly working to make our State one in which businesses can invest with the assurance of a higher degree of predictability as to taxes and regulations than in the past.

Once again, I commend the decision by Armstrong World Industries, Inc., to remain in Beech Creek and hope that the example they set for the reasons cited by the company's chairman will encourage more industries to learn that they have a friend in Pennsylvania.

#### HONEST BUDGETING AND H.R. 4907

HON. WILLIS D. GRADISON, JR.  
OF OHIO

IN THE HOUSE OF REPRESENTATIVES  
Wednesday, July 30, 1986

Mr. GRADISON. Mr. Speaker, one reason I object to H.R. 4907, a bill to recapitalize the Federal Savings and Loan Insurance Corp. is that the legislation, in its present form, has been crafted intentionally to escape the budget. Consider some of the claims that have been made on behalf of this legislation:

First, "no taxpayer funds are used in this plan;"

Second, CBO (and GAO) "supports" the plan;

Third, the plan constitutes "proper budgetary treatment;"

Fourth, "since there are no budgetary outlays, there will be no increase in the Federal

budget deficit as a result of this legislation;" and

Fifth, this plan is an "industry-based" solution.

The first and second of these are, at best, misleading. The last three are, quite simply, wrong.

Any FSLIC recapitalization scheme is likely to cost billions of taxpayers' dollars. The real question is how much, which depends on whether we are willing to pay now or later. If we pay later, as in H.R. 4907, the cost will be many billions more. The fact is that, as a direct result of this legislation, Federal borrowing and outlays—whether on- or off-budget—will increase significantly.

With respect to the accounting and CBO support, it is worth noting that CBO acceded to the plan only after the Treasury made a nominal and quite technical change. This nominal change in the proposal has the premiums paid by savings and loan institutions going directly to the newly created financing corporation instead of to FSLIC as is currently the case. H.R. 4907 then requires FSLIC to reduce, dollar for dollar, its own assessments to the S&L's. A serious question that has not been addressed is what happens when FSLIC's share of the premium assessment reaches zero.

In addition, under the latest proposal, given that the shell corporation will have no employees and the FSLIC already has a collection mechanism in place, FSLIC will likely act as the "agent" for the financing shell corporation in collecting the diverted premiums.

The cash flows would, therefore, be identical under Treasury's original and amended plans. The proposal is a highly imaginative budgetary gimmick. The substance of the "new" plan, as incorporated into H.R. 4907 in subcommittee by the Wylie amendment, is identical to the original.

Mr. Speaker, the full text of the letter from CBO Director Penner to Chairman St Germain commenting on the scorekeeping follows my remarks. I think you and my colleagues will agree that the amended proposal succeeds in avoiding the creation of FSLIC debt only on narrow, technical grounds.

This issue also reopens the question of whether Government-sponsored enterprises should be on-budget. In 1968, the President's Commission on Budget Concepts adopted the view that "privately-owned" entities should be off-budget, a view that, until now, has been widely accepted. However, if we authorize the new financing corporation to levy and collect fees from S&L's, we will be giving taxing powers to a "privately-owned entity." If, on the other hand, the financing corporation is considered on-budget, as is properly the case, the funds it would provide FSLIC would not be offsetting collections. They would instead be borrowed funds which, when spent by FSLIC, would constitute net outlays. Clearly, the financing corporation has more of the attributes of a subsidiary of FSLIC than a bona fide federally sponsored, for profit, financial intermediary.

Finally, the claim that H.R. 4907 constitutes an "industry-based" solution should be laid to rest. Of the \$15 billion made available to FSLIC under this plan, only \$3 billion, or one-fifth, comes from the S&L industry. Moreover,

when the total bill comes due, the "industry-based" portion will be a still smaller percentage.

Proponents of the legislation argue that the industry will pay, through current premium assessments, for retirement of the \$15 billion debt to be incurred. Yet, the industry is vigorously lobbying to unburden itself from the current special assessment which is the basis for repayment. The bottom line is that the strength of the industry's commitment to pay back the loan is soft. In reality, it is the taxpayer who is guaranteeing repayment.

Mr. Speaker, Congress should resist budget gimmickry and not hide the costs of Government from the American people.

CONGRESSIONAL BUDGET OFFICE,  
U.S. CONGRESS,  
Washington, DC, July 16, 1986.

HON. FERNAND J. ST GERMAIN,  
Chairman, Committee on Banking, Finance  
and Urban Affairs, U.S. House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the Treasury Department's modified proposal for recapitalizing the Federal Savings and Loan Insurance Corporation (FSLIC), as embodied in proposed amendments to H.R. 4907. These amendments would eliminate the requirement that the FSLIC pay dividends to the financing corporation. Instead, the financing corporation would be empowered to assess insured institutions in order to service its debt. FSLIC assessments would be correspondingly reduced.

CBO determined that under Treasury's original proposal (H.R. 4907), FSLIC's commitment to pay fixed "dividends" to the financing corporation would be a debt obligation of the FSLIC. Because borrowed funds are not treated as offsetting collections, \$12 billion of the amounts transferred from the financing corporation to the FSLIC would not be recorded as offsetting collections on the budget.

Treasury's amendments address this concern by diverting deposit insurance premium payments, which would otherwise be made to the FSLIC, to the financing corporation. There would be no payments from the FSLIC to the financing corporation, and thus, technically, FSLIC would have no debt obligation. Therefore, on the basis of current federal accounting conventions, CBO would score as offsetting collections the full amount of funds provided to the FSLIC by the financing corporation.

The receipts forgone by the FSLIC, in yielding some of its assessment power to the financing corporation, may, in the long run, turn out to be very similar to the stream of payments involved in servicing the FSLIC debt under the original proposal. Thus, a future cost is being imposed on the unified budget that may be very similar to that which would have been involved in borrowing. Nevertheless, as noted above, the FSLIC's obligations under the modified proposal are sufficiently different technically from borrowing that CBO believes it should not be scored as such.

The CBO scoring of this proposal is based on the assumption that the financing corporation would be off-budget. This assumption, however, is a close call. On the one hand, it could be argued that on-budget treatment is appropriate, because by authorizing the financing corporation to levy and collect fees from insured institutions, the proposed statute would confer powers



on a "privately-owned" entity identical to those of a government agency, the FSLIC. Indeed, having obtained assessment power from the FSLIC, the financing corporation would have more quasi-governmental power than most federally-sponsored, wholesale, financial intermediaries. On the other hand, the financing corporation would not have a direct line of credit with the Treasury, as do most existing off-budget government-sponsored enterprises. In the end, CBO based its assumption on the criterion adopted by the President's Commission on Budget Concepts in 1967, that "privately-owned" entities should be off-budget.

I hope this information is helpful to you. If you wish further details, we would be pleased to provide them. An identical letter has been sent to Congressman Wylie.

With best wishes,

Sincerely,

RUDOLPH G. PENNER,  
Director.

# **TOM HAYDEN SHOULD BE REMOVED AS CALIFORNIA ASSEMBLY MEMBER**

**HON. ROBERT K. DORNAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. DORNAN of California. Mr. Speaker, on June 23, 1986, the California State Assembly, under article VII, section 9 of the California State Constitution, voted to remove Tom Hayden from serving as a California assemblyman. This California Constitution article states that, "No person \* \* \* who advocates the support of a foreign government against the United States in the event of hostilities shall hold any office or employment under this State." This is very, very clear language. Tom Hayden's actions—his active support of the Communist government in Hanoi—during the Vietnam conflict flat out precludes his serving in the California Assembly under the California Constitution.

Tom Hayden did not merely protest United States actions in Vietnam. He went to Hanoi, not once, but four times and trips to Moscow, Peking, Havana, Prague, and Bratislava. Then, on other trips he traveled to meet with Communist terrorists and fighters in Laos and Cambodia, and probably made other secret trips the news media never found out about. By Hayden's very appearance in Hanoi and his willing broadcasts in support of the Communist cause throughout Southeast Asia he aided and abetted the Hanoi Leninist government.

I wish to commend my colleague in the California Legislature, Assemblyman Gil Ferguson, who has worked relentlessly to bring this constitutional issue of honor to a vote. Although the measure was defeated, it was an important vote. It was a vote for justice. By only 3 votes, Tom Hayden avoided being driven from public service for aiding an enemy. Three votes! By voting along party lines—only four of the majority party crossed over—the vote did not exonerate Hayden, it only brought shame to the majority party who failed to uphold the constitution they were sworn to uphold. As the California State VFW chairman stated at the end of the day, "We're

not going to let it die. We're not going to let our people—veterans—down.

Mr. Speaker, Assemblyman Ferguson fought for his countrymen, us, in three wars. I would like to share with you and our colleagues Assemblyman Ferguson's remarks before the California State Assembly.

Hayden's pathetic insult to career military people during his lame defense was an ad hominem attack on Gil Ferguson. Hayden whined, "Maybe Mr. Ferguson fought in one war too many." What a sleazy remark about a fighting marine. I guess you have to consider the source, a traitor, a liar, and a coward. He called my friends and all of our returning POW's liars, killers, and hypocrites!

We know who the killer was. The blood of the genocide in Cambodia, the blood of the 600,000 boat people who perished on the China seas, the blood of those who suffer and die in the 14 gulag concentration camps of Vietnam today—all that blood is on hands and conscience of Tom Hayden. Reapportionment will eventually bring justice to this bloody traitor.

Mr. Speaker, I submit for the historical RECORD the powerful and emotionally gripping words of friend Col. Gil Ferguson. I'm proud to know him.

Mr. Speaker, Members, I rise to make a motion. I move that under the authority granted this Assembly by Article 4, Section 5 of the Constitution of California that Tom Hayden be removed as Assemblymember from the 44th Assembly District. Pursuant to Article 7, Section 9 of the Constitution of California, which disqualifies any person, who advocates the support of a foreign government against the United States in the event of hostilities, from holding office under this state.

Thank you Mr. Speaker. Members of the House, I have been given the honor, and the privilege and the duty for speaking for the thousands and thousands of veterans, and the Veterans of Foreign War, the American Legion, the Marine Corp League, California War Veterans for Justice and many other groups who have asked me to represent them today because they don't have the privilege of standing on this floor as an elected representative. I have accepted that duty and responsibility.

Mr. Speaker, on behalf of these millions of veterans I make a plea to you for justice. The veterans of this state have been rebuffed for nearly four years by partisan politics. It is an American tragedy that we, as individuals of this assembly, in the Constitution of the State of California, continue to be besmirched by the illegal occupation of a seat by Tom Hayden in this Assembly.

Tom Hayden was not a simple flag burner or draft card burner. He wasn't a Quaker down on his knees praying for peace. Tom Hayden was an active supporter of the enemy of our country.

He gave up his passport and went to North Vietnam at the invitation, the specific invitation, of the premier of North Vietnam, our enemy Phan Van Dong? And they paid for him to go there. And while he was there he used their radio to propagandize our troops for fighting and dying in the jungles or in the POW pits. And he discouraged them from fighting. He asked that they abandon their country, that they abandon their Commander in Chief and not obey him.

Mr. Speaker, there are thousands of good patriotic Americans who opposed the war. A

lot of them are sitting right here. But this wasn't simple opposition to the war. Only Tom Hayden gave up his passport and went to Hanoi and talked over their radio. Only Tom Hayden went to Communist China to conspire with them about the war in Vietnam. Only Tom Hayden went to Moscow and talked to their leaders to conspire about the war in Vietnam. Only Tom Hayden went to Czechoslovakia to speak with the North Vietnamese and the Viet Cong from the south, and other communist who were supporting them. And while he was there, under his own sworn testimony, with his lawyer present, he testified that he helped prepare the document which described the meeting, the meeting at Prague. It was a conference, according to his words, intended to create solidarity and mutual understanding between revolutionaries from Vietnam and their American supporters. And when asked by his interrogators "are you one of their American supporters" he responded "I have already said I am." And he stood up at that meeting at Prague looking at those communists that had just been killing our soldiers and he raised his arms and he said "I am a Viet Cong. We are all Viet Cong."

He was no simple draft dodger. No patriot praying for peace. He bragged about the defeat of America and our allies. After Siagon fell, he was quoted as saying "I see this as the result of something we have been working toward for a long time." He bragged about the defeat of America and our allies.

Those that utter such disloyal things are not simply opposing U.S. policy. They are speaking as enemies who eagerly seek the defeat of America. These offenses, plus many others that he did, and Tom Hayden's inglorious record, literally define what aid and comfort to the enemy means.

Mr. Speaker, the California Constitution is very clear. It names the residency, the age, the citizenship that an assemblyperson must have in order to be seated. It is also explicit under Article 7, Section 9 and it limits that no one, not withstanding anything else in the constitution, that no one who advocates the support of the enemy during a time of conflict can serve here. The constitution doesn't have a time limit on it anymore than international statute of limitations has run out on Nazi war criminals, 40 years after they have done their dirty work. There's no statute of limitations on our constitution either.

I'm not asking you to judge this man or condemn him as a traitor or as a criminal. It is not important that he was never charged for any of these crimes. It says in our constitution quite explicitly that he can't sit here because he advocated the support of a foreign power during war. And that he did. And everyone, you and I and everyone in this state, knows that. That's not something we have to guess about or conject about. The fact that twice the 44th District has elected him does not suspend the California Constitution. The California Constitution is superior to the voters of the 44th District, my district or your district. And the California Constitution says that he cannot serve anymore than if he were the wrong age or if he was not a citizen of these United States.

Mr. Speaker, the veterans of this state have been ignored long enough, for too long. They are never going to forget or forgive so long as Tom Hayden sits here shielded from justice by political partisanship. Today the Vietnam veterans ask how long is it going to be before a man who called our heroes, when they finally got out of those

bug-infested POW cages, "liars, hypocrites and pawns."

How long is it going to be that we allow him to sit here. He's going to tell you about how he helped rescue POWs. He went to North Vietnam and begged them to give him a prisoner so he would have some validity. Begged them please give me some prisoners let somebody go, and they said no. And he started back thinking that he failed—that he was going to come back here without a prisoner that the could show the people that he is really a good guy. And they stopped him in Rangoon? and said no we'll give you a couple—from Laos, they had hundreds there. Every single one of them were murdered and died except the two he brought out. And still today he parades them around like monkeys in a cage. They know what would have happened to them had they stayed there. They would have died. But he didn't bring them out because he cared anything about them. His real feelings about them is that they are liars, hypocrites and pawns.

He brought them out like he uses you, and like he uses everybody else, every person that has ever touched his life. It doesn't bother him to bring this poor POW man place he's needed to show him off. He never once asked about the hundreds that he left behind that they killed. Never once has he apologized to those POWs. And now he is trying to tell you that he was an agent. He was an agent all right, for the other side. He was no agent of ours. I don't care how many trumped-up telegrams or phony baloney things he shows you, or things out of some government that was infested by the same kinds as he was. He is still what he has always been and that's a traitor to America.

The California Constitution is explicit and clear. I shouldn't be speaking for veterans because I don't vote for their bills. Let me tell you, I earned my right to speak for them watching my blood flow out on the sands of Tarawa, fighting in the jungles of the South Pacific, at the Chosin reservoir in Korea, in the jungles of Vietnam. I don't need to vote for any damn bills here. I'm a free man. And I've earned my right to speak for the veterans. I stood on that battlefield. It wasn't a damn football game where you root for the other side. People were dying. Our people. 58,039 of them. Their names are etched on that wall. Because of the kinds of things that he did we lost our fathers and our loved ones and it's a disgrace, a national disgrace that he sit here dishonoring all our veterans.

I'm not going to ask you to vote against him. I'm going to demand in the name of the veterans that you obey the Constitution of the State of California and oust him from the Assembly.

We lost the flow of our youth on those battlefields as did many of our allies. We lost our fathers, our loved ones and most horrible of all, even of those who came back, lost our innocence, their heart and our soul in that war. It is a national disgrace that he still sits here. I cannot believe that anyone would put their party ahead of their heart and their soul of themselves and their constituents.

We, in a time like this, have to rise above party, we have to rise above those things that are political. And we have to think about America and the example we are setting for tomorrow and what we owe the veterans of yesterday. He dishonors all of us here—veterans, representatives, who sit here as elected representatives, all our allies all over the world. The veterans don't un-

derstand our parliamentary maneuverings; they won't understand what it means to appeal, to rule out of order, to table. They have just told me that when I vote those who don't vote like I vote or those who can't reach their button at all are going to be considered as those who continue to shelter this traitor, to allow him to sit here in open defiance of our constitution. I am asking you to uphold that constitution and oust that traitor from this assembly.

Thank you Mr. Speaker.

## MORE CONSIDERATION OF LEAD SHOT BAN IS NEEDED

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. STALLINGS. Mr. Speaker, I would like to take this opportunity to comment on the proposed ban on lead shot for hunting waterfowl. The proposed ban on lead shot is a radical departure from traditional sporting practices and I feel that before such a departure is made a thorough examination is required.

For decades, lead shot has been the shot of preference to the hunters in the congressional district which I represent, the Second Congressional District of Idaho. There are many reasons for this preference. The reasons include availability, accuracy, shooting performance, price, and the compatibility with weapons. Enforcement procedures and the validity of the evidence also needs to be carefully considered. All of these factors should be thoroughly studied before a ban of lead shot is enforced.

As I reviewed the proposed rule which bans lead shot, I was disturbed by the fact that the dangers of steel shot were not objectively discussed. The potential harm from steel shot was treated as an argument for which a rebuttal must be drafted rather than an independent issue which deserves an objective study. For example, most of the duck and goose hunting in southern Idaho occurs during the coldest months of the year. Several of the gun enthusiasts in my district have informed me that the cold temperatures and the brittle nature of steel can greatly increase the chance the shotgun barrels can expand or even explode while steel shot is being used.

I am also concerned that powder quantities are being increased in steel shot loads to compensate for the decrease of distance that is caused from the lighter steel pellets. If a lower quantity of powder is the limit for safe shooting conditions with lead, why is a higher quantity suddenly considered safe for steel?

Furthermore, I am concerned that no consideration has been given to specialty shotguns. Gun dealers in my district inform me the over-and-under and side-by-side double-barrel shotguns are especially damaged by steel shot. In fact, one gun dealer from Burley, ID, lost his thumb as a direct result from shooting steel shot in a double-barreled shotgun. Many double-barrel shotguns, as well as older model gun barrels, are made of much lighter steel than the steel used in the shot itself.

The evidence presented to justify the ban on lead shot is not conclusive. It is my understanding that the ducks used in the study

were alive when they were captured and were subsequently killed to determine the exact damage to our waterfowl by lead poisoning. It is also my understanding that the survey on which most of the evidence was taken from on the damage to waterfowl was conducted between the years 1983 and 1959. Frank Bellrose's survey does not convince me that the problem with waterfowl or eagles is on the upswing. While I am not philosophically opposed to the move to a nontoxic shot, I do feel that a radical departure from traditional practices demands that the evidence for such a switch be overwhelming and well documented.

Finally, I am greatly concerned about the enforcement of this ban. Before a ban of lead is imposed, an enforcement mechanism should be in place. Short of examining every pellet of every shotgun shell of every hunter, there is no possible way to determine the type of shot the hunter is using. Such an examination would constitute unreasonable invasion of privacy. With the already expensive price of ammunition, many people reload their own shotgun shells. What would prohibit people from putting lead shot in a steel casing? Virtually, short of an all out ban on the production of lead shot itself, will there ever be any suitable means of enforcing people from using lead shot.

In summary, I feel that the safety of hunters and sportsmen should be carefully considered. Most of the hunting in my district is a family affair. I do not know how I could explain to a father of a young hunter who was maimed or even killed by an exploding gun that steel shot is beneficial. The availability of inexpensive ammunition, the accuracy of lead ammunition, and the problem with enforcing the steel ammunition in certain districts should be carefully considered before a ban is proposed.

## TRIBUTE TO REV. CALVIN O. BUTTS III

HON. JAMES A. TRAFICANT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. TRAFICANT. Mr. Speaker, on August 1, 1986, the 17th Congressional District Causcus, Inc., will host a reception for Rev. Calvin O. Butts III, executive minister of the Abyssinian Baptist Church in Harlem, NY. This reception is being held in Warren, OH, and I am both honored and pleased to have Reverend Butts come to speak in my district. At this time, Mr. Speaker, I would like to say a few words in tribute to this extraordinary man.

Throughout his life, Reverend Butts has spoken out for basic human rights and civil freedoms. He has provided a strong and powerful voice to the civil rights movement and to the cause of justice and fair play. He is president of Africare, an independent organization dedicated to the improvement of the quality of life in rural Africa. He is currently an adjunct professor in the African Studies Department of the City College of New York. He has taught previously at Fordham University as well.

He is a graduate of Morehouse College, Atlanta, GA—B.A. in philosophy—as well as



Union Theological Seminary, New York City—master of divinity—church history—Drew University, Madison, NJ—doctor of ministry—church and public policy.

As someone who has dedicated his life to furthering the cause of justice and freedom, it is only fitting that he serve as executive minister of the church formerly pastored by the late Congressman from Harlem, Adam Clayton Powell. Reverend Butts has been, and continues to be, a leader in furthering civil rights in this country. He is currently involved in a legal battle challenging New York State's runoff primary law. It was Reverend Butts who led the fight against police brutality in New York City.

Reverend Butts is a man deeply committed to activism and working toward a better society for all. He is a man of deep convictions and high principles. I am honored to have him come to my district and speak, and consider it a privilege to take this opportunity to pay tribute to such a great American.

#### CIVIL RICO REFORM

**HON. PETER W. RODINO, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 30, 1986*

Mr. RODINO. Mr. Speaker, I am today introducing legislation to amend the Racketeer Influenced and Corrupt Organization [RICO] chapter of title 18 of the United States Code.

The RICO chapter of title 18 makes it unlawful to use proceeds of a "pattern of racketeering activity" to operate, acquire an interest in, or control an enterprise. Pattern of racketeering activity is defined to be the commission of at least two "predicate acts" within 10 years of each other. Predicate acts—State and Federal crimes listed in 18 U.S.C. 1961(a)—range from murder and extortion to cigarette bootlegging, and include mail fraud, wire fraud, and fraud in the sale of securities. RICO provides for criminal penalties and also authorizes a person whose business or property has been injured by a RICO violation to bring a civil action for treble damages and attorney's fees.

Many business groups and labor have argued that the RICO civil action enables plaintiffs to displace Federal and State regulatory schemes, and that the treble damages provision gives civil RICO plaintiffs an unfair advantage and the ability to coerce settlements. They have argued for the addition of a prior conviction requirement, which would permit a plaintiff to bring a civil RICO action only if the defendant has been convicted of a RICO violation or for one of the predicate acts alleged to be part of the pattern of racketeering activity.

State and local prosecutors and consumer groups have strongly opposed a prior conviction requirement, arguing that it would unduly limit access to the courts by victims of crime, undercut the deterrence value of RICO, and inject unnecessary pressures into the criminal justice system. They believe that civil RICO is especially important in the area of white collar crime.

The State attorneys general, local prosecutors, and consumer groups contend that a

prior conviction requirement would virtually destroy the private attorney general function civil RICO was intended to serve. This function is especially important because of the limited resources available to prosecutors generally.

The bill that I am introducing today is designed to curb the inappropriate use of civil RICO while still preserving the private attorney general function civil RICO was intended to serve.

This bill takes away the principal incentive for bringing a civil RICO case—automatic treble damages. The bill would cut down on the number of civil RICO cases in other ways as well. It would: First, amend civil RICO to require that the predicate acts be related to the affairs of an organization, not be isolated acts, not be so closely related in time and place as to constitute a single transaction, and all occur within 5 years of each other; second, impose a statute of limitation of 2 years after the accrual of the cause of action, that is, the commission of the second predicate act; and third, limit an organization's respondent superior liability. Finally, the bill would remove the stigma that can result from being named a defendant in a civil RICO suit by changing the racketeering terminology.

At the same time, the bill preserves the private attorney general function. It provides an incentive to bring civil RICO actions by mandating the award of attorney's fees to a prevailing plaintiff. The bill also entitles a prevailing plaintiff, upon a showing of actual malice, to recover punitive damages of up to twice the plaintiff's actual damages. Thus, in an appropriate case a civil RICO plaintiff will recover treble damages and attorney's fees, as under current law.

I believe this bill addresses the real concerns of the critics of civil RICO without destroying the important private attorney general function.

#### TRIBUTE TO BARRY & HOMER, INC.

**HON. ROBERT A. BORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 30, 1986*

Mr. BORSKI. Mr. Speaker, I rise today to recognize one of America's oldest photographic labs, Berry & Homer, Inc., in Philadelphia. As a major employer, Berry & Homer has contributed to Philadelphia's economic growth while serving businesses across the United States such as advertising agencies, graphic design studios, museums, industrial firms and our Nation's photographers. For 88 years, this important firm has grown to expand and update its technological labs with the installation of computerized production facilities making it one of the largest commercial custom color labs in the United States.

Furthermore, because Berry & Homer process such a wide variety of artistic media, including print and mount photos, slides and transparencies, their works have been displayed in museums and Government exhibits throughout the Nation. Their perseverance in maintaining an outstanding reputation for professional and high quality work is commenda-

ble and I ask my colleagues to join me as I salute this dedicated firm of Philadelphia.

#### ARMS CONTROL: WHAT DO WE WANT?

**HON. JIM COURTER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 30, 1986*

Mr. COURTER. Mr. Speaker, when the chief architect of the ABM Treaty warns against giving away the strategic defense initiative for offensive weapons cuts, we ought to listen. Henry Kissinger has written an article which I urge Members to read.

Dr. Kissinger warns against a grand compromise which would exchange a moratorium on defensive weapons for reductions in the number of Soviet strategic nuclear warheads. That compromise would not reduce the threat either side poses to the other; it would likely prove to be either dangerous or irrelevant. Most damaging of all—as General Secretary Gorbachev is bright enough to recognize—extending the ABM Treaty would devastate further funding for SDI research.

Dr. Kissinger says that we need to address key questions about the long-term purpose behind SDI: What danger does SDI seek to protect us against? Do we want to defend missile bases or population centers? And at what level of attack? It would be invaluable for Congress, the President, and the American people to open up the debate on these issues now as we move toward the next summit.

The article follows:

[From the Washington Post, July 29, 1986]

ARMS: FIRST LET'S FIGURE OUT WHAT WE WANT

(By Henry Kissinger)

After months of shadowboxing, Washington and Moscow have signaled each other that their interest in improved relations and hence a summit is high. This raises the perennial questions of East-West relations: (1) What are Soviet purposes? (2) What agenda will advance the world toward peace?

No doubt Mikhail Gorbachev seeks a relaxation of tensions. He has set for himself the herculean task of making the existing Soviet system more efficient, and avoidable foreign policy crises are likely to prove an unwanted distraction. But prudence—in addition to ideology—will cause Gorbachev to strive for a relaxation of tensions at the lowest possible bureaucratic cost. Unless there is no other way to achieve his goals, he would be reluctant to challenge the foreign policy premises that have produced two generations of geopolitical pressure. The Soviet leaders will change, if at all grudgingly, because they are imprisoned by their own domestic constraints. A creative American diplomacy must discourage the easy way out—which would be to simply freeze the existing status quo, especially in the military field. American diplomacy must show the way to a better solution.

The Soviet desire to confine the East-West dialogue to arms control is understandable. Circumscribing the discussion obscures the Soviet global political pressures—in Afghanistan, Cambodia, Angola, Nicaragua—that have been a major factor in international tensions. And by enshrining a con-

cept of deterrence based exclusively on offensive weapons and rejecting deployments on strategic defense, it contributes to the eventual demoralization of the West.

The unresolved domestic controversy in the United States between advocates of arms control and those who rely on unilateral defense has prevented the elaboration of a long-range strategy and of criteria by which to judge progress. It has exhausted the energies of the American leadership, which is reduced to refereeing arcane disputes between technical experts. It caused defense policy to be shaped by the pressures of the budget and arms control discussions to be dominated by what the Soviets have said they will accept. Thus a high administration official, explaining President Reagan's draft reply to the Soviets' latest arms control proposal, was quoted as saying that Reagan "knows [Gorbachev] needs a quid pro quo to buy time to compete with us on defense." Can this be an American arms control objective? Or is it sophistication run amok?

For three decades Western arms controllers and the scientific groups that back them have opposed every new strategic weapon because they believe that a small number of relatively unsophisticated weapons is enough to deter aggression by threatening massive civilian and industrial damage. For an equal period those relying on unilateral defense have harassed arms control negotiators because they believe that arms control creates the illusion of eased tensions while in fact thwarting the sophisticated weapons needed for a strategy aimed at military rather than civilian targets.

The arms controllers have refused to face the fact that their insistence on basing deterrence on offensive weapons and on atrophying strategic defense will ultimately drive democracies to pacifism. The "defense unilateralists" have refused to face the fact that arms control is now an essential requirement of both domestic and allied politics, that their choice may be between a negotiated arms control agreement or a legislated unilateral one. In the end each group has managed to paralyze the other without being able to achieve its own objectives.

America's allies have on the whole added their pressures on behalf of any scheme labeled arms control to satisfy their presumed public opinion, and on behalf of a nuclear strategy because it is cheaper. But what is the sense of talking extended deterrence—the NATO term of art for a strategy involving a prolonged, if limited, nuclear exchange—when one nuclear accident in the Soviet Union produced near-panic all over Europe?

As a result, arms control policy has been frozen in the categories of a generation ago, when each missile had a single warhead and accuracies were poor. But now a single missile can carry 10 or more warheads and threaten several launchers; improvements in accuracy are dramatic. Thus reductions that do not alter the disproportion of warheads to launchers do not ease the dangers of a first strike; indeed they may well increase the risk by making surprise attacks on land-based missiles more calculable and exposing the missile-carrying submarine fleet to break-throughs in anti-submarine warfare.

America's unresolved internal debate tempts the Soviets to choose, from among the flood of schemes generated by contending elements of the American bureaucracy, those most compatible with their interests.

America is perilously close to negotiating with itself.

The United States has proposed reducing strategic nuclear warheads from the current approximately 12,000 to 6,000. The Soviets have countered by offering a ceiling of 8,000, but they have linked that ceiling to a renunciation of the deployment and development of defensive weapons for a period of 15 to 20 years. A "grand compromise" is now being widely urged that envisages reductions below the Soviet ceiling in return for a moratorium on defensive weapons for, say, 10 years.

The biggest argument on behalf of the "grand compromise" is that its advocates believe the Soviets will accept it. I defy any systems analyst to distribute the 8,000 warheads that would remain if the Soviet proposal were accepted—or the 6,000 in the U.S. version for that matter—in a manner that would reduce the threat either side poses to the other. And the indefinite delay in deploying strategic defense would perpetuate the strategy that is fostering pacifism in the West.

It will be argued that the "grand compromise" concedes nothing because the moratorium on deploying a strategic defense could be negotiated to coincide with the U.S. estimate of how long it will take to complete the research necessary for deployment. But no moratorium has ever been abandoned first by the United States, no matter what the provocation.

President Reagan was roundly castigated when after five years of restraint he declared that he was no longer bound by SALT II, which he had refused to ask the Senate to ratify, which the Soviets were violating and which, had it been ratified, would have expired at the end of this year. How then could a formal moratorium on defensive weapons be ended? And, were it ended, would Congress vote the funds necessary to finance the Strategic Defense Initiative program? Indeed I doubt that during a moratorium there would be adequate funds even for research.

We may well be facing a unique opportunity for a new start in East-West relations. But its test will be the content, not the fact, of an agreement. When will we ever bring about a new direction in East-West diplomatic and security relationships if it is not possible to do so now, with a new Soviet leadership facing major problems and far less encumbered by the past than it will be later? Can the West do no better than a numbers game that rearranges existing categories but does not change them?

The attempt to negotiate a numerical compromise on the present basis this year is likely to prove either irrelevant or dangerous. It also focuses the dialogue between the heads of governments on issues that are most likely to make them prisoners of technical bureaucrats. A much more realistic and useful objective for the summit would be to seek to elaborate principles that can guide negotiators and that might well lead to an agreement by the time the president visits Moscow in late 1987 or in 1988.

Two principles seem to me essential: (1) Deployment of strategic defense cannot be separated from the level of strategic offense. Obviously the lower the level of offense, the lower the level of defense can be. (2) To make a strategic difference, reductions must involve a restructuring of the strategic forces of both sides. One way of achieving this is to ban multiple warheads, at least on land-based missiles. This would reduce warheads by some 80 percent. It

would also be a major obstacle to a first strike because an aggressor would exhaust his arsenal in seeking to destroy the opposing retaliatory force, leaving no reserve for threatening other damage.

To bring about the same kind of new direction in defense and arms control policy that it has already achieved in domestic policy, the Reagan administration needs to strengthen its national security machinery. Earlier administrations may have erred by reserving too much power for the White House; the pendulum has now clearly swung too far in the opposite direction of departmental self-will.

Outside panels have proved successful with respect to space in the Rogers Commission, with respect to Defense Department organization in the Packard Commission. A panel on national strategy should be created. It should be charged not with developing actual negotiating positions but with developing a strategic doctrine by which negotiating positions can be judged. It could begin with seeking to answer the key questions raised by the Strategic Defense Initiative. Against what dangers does the Strategic Defense Initiative seek to protect: The defense of missile bases? Of population centers? And against what level of attack? And how will each proposed deployment be modified by various reduction proposals? For the basic debate over strategic defense concerns not technical feasibility but purpose and doctrine.

Together with establishing the criteria, it might be useful to appoint a presidential representative for East-West negotiations reporting to the president and the secretary of state. In order to cut through departmental rivalries, the representative could be given broad conceptual instructions and empowered to make referendum agreements—that is, provisional agreements subject to subsequent approval. In this manner too the president could raise the issues of long-term purposes for which no forum now exists.

Disputes that are essentially philosophical can obviously not be settled by procedural devices alone. They will help only if the administration decides that to explore the prospects of peace it will first have to define its content.

## CONGRESSIONAL CALL TO CONSCIENCE ON BEHALF OF SOVIET JEWRY

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. MORRISON of Connecticut. Mr. Speaker, in conjunction with the Congressional Call to Conscience, I would like to bring to the attention of the House the deteriorating situation for Jews in the Soviet Union. After the signing of the Helsinki accords in 1975, the number of Jews permitted to leave the Soviet Union each year rose dramatically to over 50,000 at its peak. Since 1979, the number of emigrants has steadily decreased, and if the decline continues at its present rate, fewer than 800 Jews will be allowed to emigrate this year. But those are the lucky ones. The refuseniks left behind face systematic harassment and possible imprisonment for their requests to leave the Soviet Union.



Two years ago, I adopted Dr. Josif Begun, a refusenik who was imprisoned for his attempts at strengthening Jewish identity and preserving Jewish culture in the Soviet Union. After applying for an exit visa to Israel in 1971, Dr. Begun was fired from a series of jobs and could only find work as a Hebrew and math tutor. In March of 1977, he was arrested on charges of "parasitism." Begun embarked on a hunger strike of over 100 days, but was forced-fed every 3 days. He was arrested again in 1982 on charges of anti-Soviet agitation and propaganda, and this time sentenced to 7 years in a labor camp to be followed by 5 years of internal exile.

Begun's wife was informed by authorities this spring that he had been placed in solitary confinement for alleged "failure to fulfill work quotas." In May of this year, Josif was placed in the hospital for undisclosed medical reasons.

The last correspondence from Begun was sent in December of 1985 but not received until March of this year—3 months later. Since then, no communication between Josif and his family has been permitted.

It is inhumane that Begun has not been allowed contact with his family. Once again, I call on the Soviet authorities to release a man who was unfairly imprisoned and whose health is rapidly deteriorating.

Last month I adopted another refusenik, Grigory Brondshiptz, on whose behalf I spoke at the Congressional Prayer Fast and Vigil on June 5. Grigory was denied permission to emigrate from the Soviet Union with his family in 1979 and has not been allowed to join them here in the United States since. No word on Grigory's whereabouts has been heard since the Moscow Olympics of 1980, when his telephone was disconnected.

I recently received a letter from Grigory's 11-year-old son, Henry, who was saddened "about the fact that my father can't immigrate to America, but hope that in future tries, that he will be let out." He concluded his letter with the request to "please continue such tries to help my father."

Henry, I am committed to continue my efforts on your father's behalf and that of Joseph Begun, and to continue to keep such issues of conscience at the top of the congressional agenda.

This Friday, August 1, marks the 11th anniversary of the signing of the Helsinki accords. As Members of Congress, we must renew our commitment to human rights by continuing to pressure the Soviet authorities to abide by their agreements in the Helsinki accords.

#### APPROPRIATE USE OF HAZARDOUS SUBSTANCE HEALTH STUDIES AND THEIR LIMITATIONS AS A BASIS FOR DETERMINING INDIVIDUAL RIGHTS AND REMEDIES

**HON. ROBERT K. DORNAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. DORNAN of California. Mr. Speaker, environmental damage and the fear of adverse

health effects from hazardous substance release has made the Superfund Program one of the most certain opportunities for complex and costly litigation. The bill before us today takes positive steps to reduce the fear of health effects where that fear is unwarranted and provides a means to determine what the real health risks are through various types of health studies. By providing a vehicle for obtaining a greater understanding of the relationship between chemicals in the environment and potential or observed health characteristics, the health authorities section of this bill should help reduce the complex and costly litigation which is encouraged by the fear of adverse health effects from hazardous substances. This result will not be achieved, however, unless the limitations inherent in these kinds of health studies are recognized and the data which flows from them is used responsibly in a way which recognizes those limitations. Let us be clear in our recognition of these limitations and in our intent for the use of the health studies data as we consider this bill. There are many uncertainties in our ability to translate the presence of a given chemical or combination of chemicals into observable or likely health effects in individuals. It is this Member's hope and intent that the health studies data produced will foster a better understanding where there is uncertainty and that where uncertainty persists the data will be accorded only such weight as that uncertainty allows.

It is my fervent hope that when used with a recognition of its limitations and for the purposes which underlie the provisions of the health studies section, the data which will result from the health studies authorized here will indeed help to reduce costly and complex litigation through a better understanding of the real risks involved, and will not further increase the present level of hazardous substance litigation.

#### CAPTIVE NATIONS WEEK

**HON. ROBERT J. LAGOMARSINO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. LAGOMARSINO. Mr. Speaker, I rise today to mark the 28th commemoration of Captive Nations Week. It certainly is not a cause for celebration but a time for sadness, reflection, and reaffirmation. During the week of July 20 to 26, we should take a clear-eyed look at the world and see the millions deprived of their sovereignty, of their freedom.

Mr. Speaker, this Nation was founded on the principle that a government can justly rule only with the consent of those governed. This right of self-determination has been denied to much of the world's population. During Captive Nations Week we rededicate ourselves to our battle against tyranny which began with the American Revolution and continues today in every corner of the world.

Mr. Speaker, there are forces at work in the world, forces of injustice and oppression, which seek to extinguish the torch of liberty. Totalitarian regimes such as the Soviet Union and its satellites show no respect for even the basic rights of the individual, trampling precious human dignity.

Mr. Speaker, since its inception in 1917, the ruling Communist Party of the Soviet Union has held nations captive, imposing unpopular governments that have left millions without genuine national expression. In Eastern Europe, they replaced Nazi brutality with their own brand of state-sponsored oppression. The nations of Poland, Hungary, Czechoslovakia, Romania, and Bulgaria remain today, over 40 years later, walled off from the rest of Europe. The German nation, temporarily divided among the Allies, was supposed to be reunified into a peaceful, free nation. Unfortunately, only one half of Germany has realized this stage with the creation of the Federal Republic of Germany. The Soviet Union has prevented the other half from realistically joining this process. Instead, they created the German Democratic Republic, a Soviet-supported totalitarian government which keeps East Germany behind the Iron Curtain. Deprived of liberties, the peoples of these lands dream of self-determination, of life without the choking Soviet grip.

Mr. Speaker, during Captive Nations Week we must also remember other lands in the grasp of totalitarianism. Mongolia has been a Soviet satellite since the 1920's. The people of Cuba have also been locked in a numbing chokehold, victims of a revolution betrayed. The nations of Estonia, Lithuania, and Latvia were forced by bayonet and bullet to become part of the Union of Soviet Socialist Republics. Ethnic minorities like the Muslims in the so-called republics of the southern U.S.S.R. have watched helplessly as their religion and culture are regulated and repressed, their sons sent to fight fellow Muslims in Afghanistan. The Jewish minority is oppressed, for the most part, and not allowed to escape.

Mr. Speaker, we must raise the banner of liberty against the callous cadres of totalitarianism. Today, in Afghanistan, Nicaragua, and southern Africa, people are taking up arms against totalitarian rule. In these captive nations we must commit ourselves. To be true to all those who share our ideal of government of the people, by the people and for the people, we can do no less. We must oppose governments like that of the Sandanistas, which allows no free press and expels priests, like that of Vietnam, which pursues a colonial empire in Kampuchea while ignoring the basic rights and needs of its people, and like that of Ethiopia, which lets millions starve as a government policy. During Captive Nations Week we must understand this and pledge our renewed allegiance to the cause of freedom and self-determination so that someday there will be no captive nations, so that someday injustice will be vanquished.

# EXPLANATION OF VOTE ON REPRESENTATIVE WALKER'S AMENDMENT

## HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. LEWIS of Florida. Mr. Speaker, earlier today I voted against Representative WALKER's amendment, to cut by \$20 million the funding for the National Highway Traffic Safety Administration grants to the States, some of which are used to monitor compliance with the 55 mph speed limit. Representative WALKER's amendment sought to use the \$20 million cut from the National Highway Traffic Safety Administration grants, to increase funding for Coast Guard drug interdiction activities by \$20 million.

Although I, wholeheartedly support the goal of improving the effectiveness of our drug interdiction efforts, in my view and that of 298 of my House colleagues, this amendment was clearly not the way to achieve this laudable objective. To reduce the funding for highway safety, regardless of how one feels about the 55 mph speed limit, is inappropriate and ill-advised.

As it should be for every public official, the war on drugs has long been a top priority of mine. During my tenure in Congress, I have maintained a strong commitment to the control of illegal narcotics, having sponsored and cosponsored many important and meaningful pieces of legislation. In addition, in May 1984, I brought together members of the law enforcement community in order to form the ad hoc drug and Law Enforcement Liaison Committee. This committee, made up of south Florida drug law enforcement officials, was formed to keep the lines of communication open at the local, State, and Federal levels, and has had a positive effect through increased coordination of effort against drug smuggling and trafficking in south Florida.

Clearly, much remains to be done in the fight against illegal narcotics. However, what is needed is an integrated, long-range plan for combating this national menace, not the piecemeal approach characterized by Representative WALKER's amendment. In my view, a national commitment to eradicate this problem; composed of stiffer penalties, better coordination among law enforcement efforts, greater emphasis of education programs, and adequate funding for all of these areas; is essential if we are sincere in our desire to win this war.

## TRIBUTE TO THE KNIRKS

## HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. PURSELL. Mr. Speaker, I rise today to pay tribute to a family I am proud to represent here in the U.S. Congress.

Arlouine and Blaque Knirk reside in Quincy, MI, where for years they operated a very successful farm. And it is because of their suc-

cessful farming efforts that I bring Arlouine and Blaque to our attention.

In recognition of their outstanding work, the Knirks are being inducted into the Michigan Farmers' Hall of Fame. It is a fitting honor that after 36 years of crop and livestock farming, the achievements of this couple be made a part of Michigan's farming history.

The Knirks' farming career started while he was teaching vocational agriculture and secured a loan to purchase their first farm of 212 acres. From that point the Knirks built a farming operation that today—now run by their sons—includes some 24 farms and approximately 2,700 acres.

The family specializes in feeding out more than 5,000 cattle per year and growing more than 2,000 acres of crops.

During his career, Blaque has received numerous agriculture and leadership awards, as well as serving as a guest lecturer at Michigan State University.

Blaque also has served in a variety of capacities at the same time he farmed, including the State agriculture commission, director of the Michigan Livestock Exchange, the Michigan Farm Bureau, and its related companies, and the Quincy and Branch County School Boards.

Such a dedicated level of involvement obviously put a strain on the time of both Blaque and Arlouine. In response to questions from the hall of fame, Arlouine pointed out many times her husband's involvement meant getting up at four in the morning so that their day's work could be completed.

This couple worked hard and tried their best. They survived and built a profitable farming operation—for which they can stand proud.

Mr. Speaker, I congratulate the Knirks on their fine farming career and on their inclusion in the Michigan Farmers' Hall of Fame.

## THE PRESIDENT'S MISGUIDED SUPPORT OF APARTHEID

## HON. CARL D. PURSELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mrs. COLLINS. Mr. Speaker, The Reagan administration has again proven itself to be South Africa's best friend. Freedom-loving people of the world call for sanctions against the apartheid regime. Yet, the administration has chosen to tie the United States even closer to Pretoria by increasing the importation of South African textiles into the United States.

Yesterday, the Washington Post reported that Pretoria was granted a 4-percent rate increase in the amount of textile goods allowed into the United States. This is greater than that granted the major textile-producing democracies. Negotiations for this new increase must have been underway at the same time that the House was considering the sanctions bill. Certainly, the President could provide no greater insult to Congress.

Not only has the President's action tied us closer to the despicable apartheid regime, but this move has come at a time when our own

textile industry is suffering terrible hardship. Instead of supporting U.S. workers, the administration has chosen to aid a racist government whose textile industry is underwritten by the labor of second-class citizens who are forced to accept starvation wages. How can our industry compete with that?

Perhaps this trade agreement is part of Reagan's grand strategy of constructive engagement. Maybe he is rewarding Pretoria for enacting a nationwide state of emergency with which to intensify the oppression of the black majority. Well, the lesson has not been lost on the Botha government. South Africa has now decided to continue to station armed troops within black schools, insuring that the students will learn the lessons of oppression at a young age.

President Reagan's support of South Africa's racist policies are deplorable. They remain contrary to the ideals of this Nation and the will of the vast majority of Americans. Now, he is stealing jobs from American workers in order to support apartheid. The President is out of step with the American people and stands, like an ostrich with his head in the sand, against the flow of history.

Listen, Pretoria! Racism, slavery, and oppression are the vestiges of a brutal past. Freedom, justice, and human dignity represent the future. President Reagan may stand beside you, but America does not! Apartheid must end!

## AND ALL THAT JAZZ

## HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1986

Mr. WYDEN. Mr. Speaker and fellow jazz enthusiasts, this weekend one of the premier jazz festivals in the country will be held in Gresham, OR, at the foot of picturesque Mt. Hood.

In 5 short years, the Mt. Hood Festival of Jazz has skyrocketed up the list of must see jazz events. And with such legendary performers as Freddie Hubbard, Mel Torme, Sarah Vaughan, Stan Getz, Buddy Rich, Dave Brubeck, and Ramsey Lewis performing in past years, it's not surprising. In addition to these legends, younger stars such as Wynton Marsalis, Herbie Hancock, the Crusaders, Tom Scott, and Spyro Gyra have graced the Mt. Hood stage.

This year's lineup follows in what has become the Mt. Hood tradition of providing a 2-day plateful of the varieties of jazz. Saturday's performances include the Yellow Jackets, Joe Pass, and Oscar Peterson. Sunday's lineup includes Michael Franks, Dizzy Gillespie, Dave Brubeck and Stan Getz. Sunday audiences will get the added bonus of a superstar jam session with Dizzy Gillespie, Stan Getz and Dave Brubeck joining forces.

The Mt. Hood Festival of Jazz' story includes more than just music. It is the story of a community with a can do spirit. Seven years ago, civic leaders from Gresham, which is located 12 miles east of Portland, got together on a summer afternoon to kick around some ideas. The question they posed to themselves



was, "What can we do to put Gresham on the cultural map?" The answer that evolved over several months was a music festival; specifically, a jazz festival.

That answer was only the beginning of a monumental process of making the dream become a reality. What followed was a collective effort by local businesses, civic leaders, and interested citizens that made the first Mt. Hood Festival of Jazz come to life in August 1982.

Today, the Mt. Hood Festival of Jazz is both a premier jazz event and a celebration of community spirit—the celebration of a community's determination in taking a small idea and, by working hard, making it grow into a full-blown, world-class success.

By the way, if any of my colleagues are interested in tickets for this year's festival, it's too late. All 9,000 seats for both days are sold out. But if you call early, you can get tickets for next year's sixth annual Mt. Hood Festival of Jazz.

# DEDICATION OF THE JAMES C. CRUMLISH, JR., EN-BANC COURTROOM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1986

Mr. MURTHA. Mr. Speaker, well-deserved recognition was recently paid to one of Pennsylvania's most prominent jurists President James C. Crumlish, Jr., of the Commonwealth Court. The Commonwealth Court has been recognized by legal scholars and by the bar as a highly responsible and responsive institution; both as a trial court of original jurisdiction and as Pennsylvania's intermediate court of appeals, its opinions have touched the lives of hundreds of thousands of our citizens, and shaped Pennsylvania's legal and social landscape. Chief Justice Robert N.C. Nix of the Pennsylvania Supreme Court joined by Justice James T. McDermott presided over a special session of the Commonwealth Court, which was also attended by Chief Judge Vincent A. Cirillo of the Pennsylvania Superior Court and literally dozens of Pennsylvania's trial and appellate judges, and an overflow crowd for the dedication of the James C. Crumlish En-Banc Appellate Courtroom in the Robert N.C. Nix Federal Building in Philadelphia.

The enduring principles which have distinguished the broad and varied career of Jim Crumlish the man and the judge were eloquently spoken on by the chief justice, by Judge Crumlish's distinguished colleague Judge Theodore O. Rogers, by Marvin Comisky, senior partner in the distinguished Philadelphia law firm of Blank, Rome, Comisky & McCauley and John M. Elliott, senior partner in the Philadelphia/Pittsburgh national law firm of Baskin, Flaherty, Elliott & Mannino. President Judge Crumlish received a standing ovation as he movingly responded to these remarks by remembering his father, the late Judge James C. Crumlish of the Court of Common Pleas of Philadelphia, who was also a distinguished Philadelphia jurist and civic leader. Together both the Judges Crumlish

wrote a unique page in Pennsylvania's judicial history by authority over 3,000 far-reaching opinions. I am proud to memorialize their tremendous accomplishments in today's CONGRESSIONAL RECORD by inserting the following:

## REMARKS OF JOHN M. ELLIOTT

President Judge Crumlish, Mr. Chief Justice Nix, Justice McDermott, Honorable Members of the Bench and Bar, Ladies and Gentlemen and Especially Members of the Crumlish Family: Today is a particularly meaningful day for all who have been touched by the unique senses of history and justice which distinguish the varied and successful career of President Judge James C. Crumlish, Jr.

In but a wink of the proverbial historic eye, sixteen years of hard, creative and responsible legal craftsmanship by you, your Court and predecessors have enhanced the quality of life of all the citizens of Pennsylvania, as the Commonwealth Court has emerged with a well-deserved national reputation for progressive and decisive leadership. In doing so, your Court has creatively responded to the challenges of change, and its enduring and progressive legacy is writ large on legal and social issues that did not even exist when this Court was founded.

Today, in large measure due to your compassionate leadership, Pennsylvania's work places are safer; our schools are better funded; our public officials from Governors to local taxing bodies have been told to do the public's business fairly and openly; and all Pennsylvanians have benefited from timely justice, as the Commonwealth Court's opinions have promptly and professionally issued.

Today, however, is much more than a memorialization of the individual and collective achievements of President Judge Crumlish and his Court.

Today is a remembrance of deep and abiding spiritual values; of a strong personal faith; of eloquent deeds; of the courage to continually strive in the face of victories and defeats.

Today is also a testimonial to the power of love. It is no secret that Jim Crumlish—the man—is unabashedly in love with his family, his country, his Court, his profession and with his faith.

This love of life's fullness which fuels President Judge Crumlish's intellectual and spiritual powers inevitably and enviably draws upon the continuity of a shared dream, which is rich in the lyricism and indomitable hope that sprang first from the keen mind and strong heart of Jim's devoted father, the late Judge James C. Crumlish of the Court of Common Pleas of Philadelphia County.

The distinguished careers of both father and son are in many ways a seamless web, with both Judges enjoying not only personal and professional accomplishments, but both deeply savoring the humanity of freedom as expressed in the poetry, song and oral traditions of Ireland.

In grateful remembrance and in dreaming hope, President Judge Crumlish's career is a recognition that what God has begun in all of us, we can through hard work and a sense of what should be bring to fruition to create a better world for all.

Thus, today is a sweet day of continuity; now just a few city blocks link the court rooms where Philadelphia's most famous father/son judicial team of the 20th Century have authored over 3,000 judicial opinions.

In a few moments, the dedication of this courtroom will be history, but it is our fond hope that this chamber will always echo the resonance of a full and compassionate justice that draws a large measure of inspiration and instruction from the unique public service of President Judge C. Crumlish, Jr. May his memory always be green here.

## REMARKS BY MARVIN COMISKY, Esq.

May it please the Court: While time permits only a capsule presentation, I would like to discuss three subjects: the personal history of the President Judge as known to me through my personal contacts with him over a period in excess of 25 years; the innovative establishment of this Court, and finally the contribution of this Court and its President Judge to the citizens of this Commonwealth.

Let me start with the President Judge: After his active duty in the United States Navy during World War II, he graduated from the University of Pennsylvania Law School. He was appointed to the Registration Commission of the City and County of Philadelphia by Republican and Democratic Governors. Between 1961 and 1966, he served as an outstanding District Attorney in Philadelphia County. From 1966 until his investiture as Judge of the Commonwealth Court, he engaged in the general practice of law.

The President Judge was appointed to this Court on March 17, 1970 by Governor Shafer. In an historical ceremony, he was sworn in as one of the original seven jurists of the Commonwealth Court on April 15, 1970 in Harrisburg. I was pleased on that special occasion to have had the honor of addressing the Court.

The first session of the Commonwealth Court took place in Philadelphia on Tuesday, October 6, 1970 and, here too, I was honored to have had the pleasure of addressing the Court on that equally significant occasion.

The President Judge has served continuously as a Judge of the Commonwealth Court from the date of original investiture until the present time. The six other judges originally appointed are no longer with the Commonwealth Court and so the President Judge is the Senior Judge in terms of longevity as well as by election to his President Judge status on April 8, 1980. I hasten to add, however, that the Honorable Theodore O. Rogers has been a member of this Court since shortly after its first session and is generally regarded by the Bar as a De Facto Founding Jurist.

I think it quite evident from the preliminary comments that I feel a special attachment to this Court. I was present at its conception, at its birth, during its thriving infancy, and happily now in the Court's vigorous teens.

Let me now turn appropriately to the establishment of the Court itself. The Commonwealth Court began as a proposal submitted to the Constitutional Convention of 1967-1968 and is the first Appellate Court in Pennsylvania's history to be created by a Constitutional Convention. After the approval of the electorate, the legislature passed the required implementation legislation; and the Court was invested in an elaborate ceremony held, as I have said, on April 15, 1970 in Harrisburg. The Commonwealth Court became and remains the only appellate court which also acts as a court of original jurisdiction.

[As an aside it is interesting to note there were never any amendments proposed at the Constitutional Convention to delete the Commonwealth Court from the Judiciary Article. The need for the Court had been well established in the minds of the Constitutional delegates and the public.]

Turning lastly to the contribution of this Court in the administration of justice and service to the public, some review, albeit brief, of the work of the Court and the President Judge is merited. At the investiture of the President Judge in 1980, I summarized some statistical information concerning the entire Court and referred to a list of cases—in a roll call of honor—in which the President Judge had authored the Opinions. Perhaps it would be in order to refresh one's memory of those important statistics from 1970 through 1980 and to recall those significant cases reflecting the scope and expertise of this then very young Court. However, limitations on time militate against that repetition. Let me summarize in this way: my comments then showed that the incoming President Judge participated valiantly in the first decade of effort including his full share of all opinions: majority, memorandum, per curiam, concurring and dissenting.

I would, however, like to dwell upon that same range of material from 1980 through 1985.

The volume of cases and their increasing significance—the expanding role call of honor—has continued for the Court and its President Judge.

For the period 1980-85 the following occurred: 22,417 cases were filed, an annual average of 3,736; argument was heard in 4,891 cases, an annual average of 815; 6,842 majority opinions were filed, an annual average of 1,140; 1,688 trials on evidentiary hearings additionally were conducted, in many instances involving several days for a single matter, an annual average of 281.

And the adventure and excitement of presiding over key issues has continued unabated. Again a reference to a few Opinions authored by the President Judge illustrates this statement:

In *Essler v. Buckman*, 53 Pa. Cmwlth. 580, 419 A.2d 217 (1980), in original jurisdiction, the Court addressed the issue of preserving the sanctity of our election laws.

In *Strassburg Associates v. Newlin Township*, 52 Pa. Cmwlth. 514, 415 A.2d 1014 (1980), the Court determined the issue of standing where a township appealed from an Environmental Hearing Board decision.

In *Luccino v. Foreign Countries of Brazil, South Korea, Spain, Mexico and Argentina*, 82 Pa. Cmwlth. 406, 476 A.2d 1369 (1984), again in original jurisdiction, the Court found that these nations had discriminated under the Pennsylvania Unfair Trade Practices Act.

In *Fischer v. Department of Public Welfare*, 85 Pa. Cmwlth. 240, 482 A.2d 1148 (1984), the Court dealt with the explosive issue of regulating and funding of abortions.

In *AFS-ME v. Commonwealth*, 77 Pa. Cmwlth. 37, 465 A.2d 62 (1983), again in original jurisdiction, the Court held the Commonwealth could not force state employees to increase their contributions to the state pension fund without granting a corresponding increase in benefits.

In *Sullivan v. County of Bucks*, Pa. Cmwlth. 499 A.2d 678 (1985), a case described in the media as the "Pump Case", the County was not allowed to prevent construction of facilities to provide cooling water to the Limerick power plant; and

In *Green v. Pennsylvania public Utility Commission*, 81 Pa. Cmwlth. 55, 473 A.2d 209, aff'd, *Barasch v. Pennsylvania Public Utility Commission*, 507 Pa. 430, 490 A.2d 806 (1985), the Court dealt with an important utility rate case for nuclear generating stations.

The very statement of these issues resolved by this Court from 1980 to the present emphasizes the crucial position of this Court and the President Judge in the hierarchy of appellate and original jurisdiction courts of this state.

At the time of the creation of this Commonwealth Court it was stated that "we are participating in an experiment, that the members of this Court have an awesome responsibility and at the same time an exciting opportunity to strengthen the fabric of justice in Pennsylvania." The Court and its President Judge can indeed be proud of its efforts and accomplishment in fulfilling that responsibility.

In the lifetime of courts, this Court is just in its teens. It is difficult to believe that it can reach any higher level of respect and regard than that which it has already achieved. We have every confidence that it will continue to maintain the exemplar position in the Court System of this Commonwealth that it has achieved through the solemnity of procedure, the mature consideration of each matter, the tolerance it has expressed of all views and its unbiased judgment. I think it is fitting, since in terms of longevity and achievement the name of the President Judge has become so well identified with this Commonwealth Court, that his name should remain etched in the annals of this Court by dedicating this en banc courtroom in his honor.

#### REMARKS BY PRESIDENT JUDGE CRUMLISH

I know I am expected to acknowledge the compliments which this occasion has induced. I can't deny they are nice to hear. I also realize that it is appropriate to respond with a few brief remarks.

As I thought of what I would say, it occurred to me that maybe we all should pause and look at this event from a different perspective.

I believe that lately we have been placing too much emphasis on our own present accomplishments when we should be remembering that were it not for the perseverance and faith of past generations, none of it could happen.

As a for instance consider this:

We today are sitting in a room of a building which is dedicated in recognition of the service of a distinguished citizen, public servant and lawyer.

His son, and his grandsons are the beneficiaries of a life time of struggle and disappointment.

Sitting in this same room we are immediately adjacent to a law library which has been dedicated to an acclaimed jurist, the son of a distinguished father and lawyer, whose vision set the goals for that son.

And here as I sit, a common thread appears linking me to those sons, and I think of three fathers who have passed on their different ethnic experiences: whose ancestral roots are in three different continents. Yet all three in common are Pennsylvanians.

But whatever individual difference and under whatever circumstances, honor comes to them, the equation has the same common denominator: love of God, love of country, love of the pursuit of justice.

I mention these men specifically because we can see their achievements. We are close enough in time to understand what led them to achieve.

But this country, this desire for justice also belongs to an earlier too easily forgotten generation.

Should we forget the generations of brakemen, breakerboys, blacksmiths and carpenters; the steel and millworkers, the longshoremen, police and firemen, all the slaves, the indentured servants or the free-men.

Should we forget the derision, the discrimination they painfully endured simply because they looked and spoke differently; how they were "hated for being what we are" as the Irish lyricist lamented.

These obscure men and women devoid of social grace and formal education enflamed their offspring with the notion that equal opportunity or social justice, as it came to be known can be attained by faithful perseverance in the study and practice of the law. That their newly adopted country under God's law demanded active participation in their Government's affairs. So it was that the brick and mortar the stones and lumber of the administration of justice came into being and each one of us here has a share of the benefits of this magnificent structure.

This is the past generation's charge to the present and it goes on to our sons and daughters and to their sons and their daughters. This is our common denominator this is our heritage.

I believe today's honor belongs to my past generation. This is my heritage.

And so I would hope as time goes by, should a young man or woman entering this room say "Crumlish—who was he?" An old timer merely might whisper he was the son of an orphaned son of Irish immigrants and he believed that he inherited a trust and that this room is simply a reminder to all who advocate justice that they likewise are the trustees of a tradition of justice conceived as an ideal nurtured by self-discipline and denial and matured by reason.

That future generations will look to them and will judge them severely by the fidelity of their stewardship.

#### A TRIBUTE TO THE PARKINSON SUPPORT GROUPS OF AMERICA

##### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1986

Mr. BIAGGI. Mr. Speaker, it has been just over 1 month since the Parkinson Support Groups of America held their national convention. It is with great pride and pleasure that I recognize this national organization and the important work they are performing for both Parkinsonians and their families, and the public in general.

Education, information, and support are the cornerstones upon which this group was founded. This group was based on the belief that it is essential to educate both Parkinsonians and the public about this disease. In addition, the PSGA exchanges mutually beneficial health related information, and provides support, as well as a morale booster, to fellow Parkinsons victims and their families.



The Parkinson Support Groups of America has carefully coordinated their many and varied activities to coincide with the purposes of the organization. These activities include annual conventions, radio and television appearances, panels of speakers, attendance at major symposiums and neurological meetings, a monthly newsletter, and a library of materials on Parkinson's disease.

Unfortunately, Parkinson's is a relatively unknown and often misunderstood affliction. It is a disease crippling an estimated 1.5 million elderly Americans; 1 out of every 100 Americans over the age of 60 suffer from Parkinson's, a disease which can render its victims virtually helpless. The Parkinson Support Groups of America have been instrumental in working for the amelioration of Parkinsonism, and have been devoted to assisting Parkinson's patients and their families cope with this illness. It is through their efforts and support that hope continues to burn brightly for the millions of families affected by Parkinson's disease. The work of the many all-volunteer Parkinson's groups across America should serve as an example, and an inspiration, to everyone across the country.

For the benefit of my colleagues, I wish to insert into the RECORD a statement by the PSGA further explaining the functions of this fine organization.

The material follows:

#### WHAT DOES A SUPPORT GROUP HAVE TO OFFER?

The answer lies within each individual. Our problems are many and varied, depending on the length of time we have had this affliction, its severity, the various medications we may have been taking, and their possible side-effects. No two people check out uniformly in these categories, yet there is a common bond running through all this disparity. This is derived from the knowledge that in spite of all the variations, we share mutual experiences and feelings, enabling us to understand each others' problems.

The basic function of most groups is carried out through the group meeting, at which an atmosphere of sociability is usually encouraged—often with refreshments.

A formal program may be a speaker on some topic of interest to parkinsonians or it may be a "buzz-session," in which the members exchange ideas and feelings. Often the meeting is broken up by an exercise period, for obvious reasons.

Many groups offer activities such as weekly exercise groups, picnics, theater parties, etc. PSGA and its member support groups try to keep abreast of the latest developments in research, not only toward a final "cure", but also in the area of making the symptoms easier to endure until such a permanent answer can be found.

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Region IV—AL, FL, GA, MS, Penny Rodzewicz.  
Region V—IL, KS, MO, NE, IN, KY, OH, TN, Charles Carney.  
Region VI—MI, ND, SD, WI, IA, MN, Enid Torell.  
Region VII—AR, LA, NM, OK, TX, Gail Howell.  
Region VIII—AZ, CA, HI, NV, Leona Bivens.  
Region IX—AK, CO, ID, WY, MT, OR, UT, WA, Jeanne Taylor.  
Region X—NC, SC, VA, Andre dePorry.

#### REMARKS OF DR. JAMES O. CHATHAM, HIGHLAND PRESBYTERIAN CHURCH LOUISVILLE, KY

#### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1986

Mr. MAZZOLI. Mr. Speaker, a constituent has requested that I place in the RECORD a sermon delivered by Dr. James O. Chatham, on June 29, 1986, at the Highland Presbyterian Church, Louisville, KY.

While Dr. Chatham's remarks are a thoughtful and prayerful approach to the discussion of the strategic defense initiative [SDI], I have read other equally thoughtful and prayerful remarks which reach an opposite conclusion.

For my part, I believe funding a limited, carefully monitored and circumscribed, research and development program for SDI is appropriate, wise and in the national interest.

A policy of protecting and defending our Nation from the enemy's nuclear attack—the premise of SDI—is more sensible than today's policy of mutually assured destruction [MAD] under which each side assures the other's destruction in the event a dispute begins.

In any event, Dr. Chatham's comments are a worthwhile addition to this important debate:

#### A MIGHTY FORTRESS

(II Samuel 7:8-17; Luke 13:31-35)

When I was about 8 years old, someone in my family gave me, either for Christmas or birthday, a large cardboard army fort with an assortment of cardboard soldiers. The fort was rectangular in shape with two floor levels, observation towers in all four corners, and a door on the front that swung open and shut. The soldiers were standing firing rifles from their shoulders, just the right height to aim over the top wall of the fort. For several years that fort was one of my favorite toys. On a rainy day, or whenever I grew tired of playing with neighborhood friends, I would go into my room and set it up. I took great delight in arranging and rearranging, having the soldiers take aim at an invisible enemy behind bedposts or chair legs, surrounding the fort with a wall of wooden alphabet blocks to enhance the internal security. I was careful to protect the fort from every direction, leaving no vulnerability gaps, so that those inside could be entirely confident of safety. Once I got it all set up, of course, there was no way I was going to take it down. It would sit for several days in the middle of my floor with everyone who entered my room having to step carefully around it. I am sure my

Mother cleaned up and put away that fort at least 50 times while I was growing up.

It was not until a number of years later that I realized what I was doing through my childhood game. Every single one of us human beings is born with a profound and persistent urge to establish our safe place amid the hostile and alien forces of the universe, a refuge where we may rest securely against the dangers that afflict human life. It is an elemental human instinct buried deeply in our souls from ancient times. As long as we have lived on earth, we have possessed it, and expressed it. We long for a protected space where our minds can rest at ease that danger will not invade.

When Cain became a fugitive and a wanderer in the hostile territory east of Eden, he built a city. But it was more than just a city. Cain was seeking to re-establish the safe refuge he had lost, hoping to create a place of secure rest from his fugitive wandering.

You and I have been re-enacting that script since the dawn of humanity. We have at times built massive stone walls to live behind, huge things that even an earthquake could not move. We amass large bank accounts to dwell within, far more than we or our kin will ever use. We construct vast empires of political power. We set up comprehensive insurance programs. We eat vitamin-enriched diets, work out regular exercise plans, seek miracle medicines and special cures. And the impulse behind all of these creations is more than just to provide for our daily earthly needs. That is a good and necessary agenda, but we have more than that in mind. Our impulse is to transcend earth by finally establishing a place that is above earth's hazards, a protected ground that the ravages of history cannot attack. Ultimate security—that is our deep need, and that, beneath it all, is what we are trying to build.

What I was doing with my fort, of course, was providing, in my mind and imagination, my safe place. It was I who would rest securely behind those fort walls. It was I who took confidence that any attacks from danger would fail. I can remember even now coming away from my game very reassured, feeling good about the security I had, in my imagination, established.

I was absolutely fascinated, years later, when I studied II Samuel 7 in our Bible and found there a whole society of human beings doing exactly the same thing. The scene was Jerusalem; the date about 960 B.C.E. Israel had departed Egypt, wandered in the wilderness, and successfully settled the promised land. King David had been highly successful in his military campaigns. He had overthrown Canaanite cities all over the region and driven their inhabitants from the land. He had expanded Israel's borders north beyond Galilee, east across the Jordan, and south into the Negev Desert. He had consolidated the whole country under his rule and brought peace and safety to the promised land. It was a spirited time; all Israel felt good about life in the future.

Jerusalem became the capital, a city built high upon one of Judea's hills. Heavy stone walls were erected to protect the town and comfortable dwellings to house its inhabitants. One could stand atop Mt. Zion and survey the beauty of the whole Judean countryside. It was a magnificent scene, a lovely place for a city; with plentiful water from the Spring of Gihon, adequate agriculture, and excellent military protection provided by the steep descents beneath the

town walls. Truly a city given by God, a gracious bestowal to those who had, but a few years earlier, been slaves in Egypt. What wonders the Lord had provided. What wonders the Lord had provided!

But this was not quite enough. For with human beings, this is not ever quite enough. Deep within the people of that town was the impulse to establish total security, to build an impenetrable barrier against all the hazards of history, a fortress that no danger of any kind could ever invade. They wanted to make Jerusalem their safe place, and establish it forever as their refuge. They set out to do this in the most plausible way they knew: to establish a covenant with God for their protection. They would be God's people through all generations, and God would surround them with a lasting security that no destruction could penetrate. As a canopy shielding them from the outer world, so God would surround them day and night with steadfast love and unfailing care.

They firmly believed that they had successfully established this covenant with God. Listen to II Samuel 7 and to the promises they heard God making to them about their town:

The word of the Lord came to Nathan the prophet, "Go and tell my servant David, thus says the Lord: 'I will appoint this city and this land for my people, Israel, and will plant them securely, that they shall be disturbed no more. Violent men shall afflict them no more, as formerly. I will give you rest from your enemies, and establish in this place the throne of your kingdom forever.'"

This same confidence is stated in a number of places in the Bible. Psalm 132:

The Lord has chosen Zion; he has desired it for his habitation: "This is my resting place for ever; here I will dwell, for I have desired it. I will abundantly bless her provisions, I will satisfy her poor with bread. Her priests I will clothe with salvation, and her saints will shout for joy." (vss. 13-16)

Isaiah 37: No foreign king shall come into this city, or shoot an arrow there, or come before it with a shield, or cast up a siege mound against it. . . . Behold, I will defend this city to save it, for my own sake and for the sake of my servant David. (vss. 33-35)

Ancient Jerusalem believed that they had accomplished it—that total security for which you and I yearn. They had completed their covenant with the Almighty God, maker of heaven and earth, and no danger could ever be strong enough to break through God's protection. That they believed—for 400 years—until the city was destroyed. Until the Babylonians overran this holy sanctuary with battering rams and swords and spears and arrows and fire, razing it to the ground and leaving it a pile of rubble smoldering on the mountain top, leaving it in shame and agony, not so much over the physical destruction—which was bad enough—but over the destruction of the covenant with God that this people had been sure they had.

From this they learned that God does not provide impenetrable protection to earthly domains. God does not guarantee forts or cities or churches or homes or nations or anywhere else as safe places. You and I still have the impulse to create one for ourselves but there is no way we can do that. Stone walls will not accomplish it. A bank account will not accomplish it. Insurance coverage will not accomplish it. Miracle medicine will not accomplish it. God simply does not grant to us the capacity to make ourselves fully and totally safe.

The only ultimate security in the universe is God: God's power, God's promise. We lay

hold upon this security not by ownership but by faith. It is not something we can build; it is something we can only be given. "God is our refuge and strength, a very present help in trouble"—by faith we know it is true. "A mighty fortress is our God, a bulwark never failing." "I am sure that neither death nor life, nor angels, nor principalities, nor things present nor things to come, nor powers, nor height, nor depth, nor anything else in all creation shall be able to separate us from the love of God," that love which surrounds us like a securing canopy. Only in God is there a safe place; nowhere in the universe is there any other.

I am convinced that the appeal of the Strategic Defense Initiative, otherwise known as the Star Wars Program, is rooted in this deep impulse within us all to build ultimate security. How nice it would be to have a laser shield that would melt enemy missiles aimed at this country. How nice it would be to know that up there in the sky is an invisible cover protecting us day and night. How nice it would be to know that all the nuclear bombs Russia can launch will have no effect on us whatsoever. The grim spectre of the nuclear age would be removed. We could sleep soundly at night, our minds at rest in the fact that nothing bad could happen. Our "safe-place/yearning" would find its satisfaction. This, I am convinced, is the fundamental appeal of star wars.

But the S.D.I. is a perfect example of what we have been talking about. A great part of the scientific world tells us already that it will never work, that it is technologically impossible. If we try seriously to make it work, we will tax into destruction the very society it is designed to protect. That is, while the street people die, and the unemployed die, and the disabled die, and the small farmers die, and thousands of others suffer, we build a laser shield to protect ourselves from death and suffering—that is called irony. But this is what happens when we try to build ultimate security: we tax into destruction the very people we are trying to protect. And if we get the system in place and get it working, what will happen next? Will it provide the security we seek? No. I'll tell you what will happen next. Nuclear missiles will become quickly obsolete, and hostile nations will find other ways to strike and kill one another.

For several years I had a next-door neighbor who was a geneticist. He directed a research project on how to control tsetse flies by alternation of their genes. He predicted to me one evening that before many years pass nuclear warfare will be obsolete, a relic of the disappearing past. In its place, we will be able to attack an enemy by changing the genetic structure of its wheat, its corn, its cattle, its pigs and its fruit, thereby rendering them disease-prone if not impotent. That is, we will be able to starve another nation to death simply by sifting across its fields a bit of powder dropped from a high-flying airplane or a satellite—a kind of modern-day version of "sowing their fields with salt". This and several other means of attack—guerrilla warfare, chemical warfare, and others—could render star wars impotent in a day. No laser shield will provide very much protection for very long.

"God is our refuge and strength, a very present help in trouble." Either we shall find our safety in God, or we shall not find it at all. God's power, God's promise, God's reconciliation, God's peace. Either we shall have faith that God is going to give it to us, and thereby reach forward toward it, or we shall not receive the gift at all.

My friends, the path to world security does not lie in building ultimate attack-shields behind which we can hide, but in building relationships of cooperation within which we can settle our feuds without killing one another. In the establishment of world law that will govern all nations and world courts that will settle disputes. In the establishment of non-aggression treaties based upon a genuine determination not to kill one another. In cultural and educational exchange programs designed to convey that neither "them" nor "us" is a mad dog out to torture the world, but rather, for the most part, fairly decent people struggling to live and love and enjoy life.

I can remember on one occasion playing with my childhood fort and setting it up in a different way. Instead of locking the fort door shut, as I usually did, I propped it open. Instead of using the alphabet blocks to build an extra wall of fortification, I used them to outline roads and to build bridges. I had cars and trucks and people traveling this way and that, all through the complex. Beneath the bed was a parking lot and behind the chair was an airport. I can remember having a different sensation that day, one of hope and openness. I think that my imagination had caught a different vision.

#### WORKING TOGETHER, BENEFITING ALL

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1986

Mr. BROWN of California. Mr. Speaker, I would like to bring to the attention of my colleagues, an article which appeared in yesterday's Washington Post, titled "Putting Genes on a Map, World's Scientists Begin Planning a Detailed Description of Human DNA."

This is a very exciting time in many scientific fields. The technological age has brought us a treasure of new tools with which we can develop answers to questions which have puzzled us for years. One particularly intriguing field of inquiry is that of describing sequences of genes in human chromosomes, and detailing the impact of an individual gene, or groups of genes, on the development and functioning of the human organism. We already know that several diseases are genetically related, yet we can readily identify and map the active genes for only a handful of these diseases. But, according to Dr. Leroy Hood of the California Institute of Technology, in 2 to 3 years, a vast new array of technologies will be available to help scientists in their quest to map gene sequences. This mapping of specific genes in humans will, in turn, lead to a better understanding of the entire human genetic landscape, and help scientists develop treatments and preventive procedures for many genetic diseases currently deemed incurable.

Unfortunately, this knowledge is not cheap. Experts estimate that the task of mapping human genetic structure could cost between \$1 billion and \$10 billion over the next decade, and could require 100 man-years of effort.



Mr. Speaker, last week, nearly 100 of the world's best health scientists gathered at the National Institutes of Health [NIH] to propose the formation of an international team to undertake this task. This effort should be highly commended. An international effort will enable the United States to share the cost burden of this research, and should speed up the time it takes to complete such a valuable initiative. Yet this effort holds a greater potential as well: The formation of such an international effort will develop another arena in which the United States can learn to communicate and cooperate with the global scientific community.

Undertaking such an ambitious program requires the establishment of a solid and stable arena where international efforts can take place. The advances in international relations which would be made by the development of an international research effort to map human genes will bring us another step closer to an age where the global community can routinely work together, as a community, to solve humanity's problems. Mr. Speaker, I encourage all my colleagues to read the following article, and to support U.S. participation in such a program.

The article follows:

[From the Washington Post, July 30, 1986]  
**PUTTING GENES ON A MAP: WORLD'S SCIENTISTS BEGIN PLANNING A DETAILED DESCRIPTION OF HUMAN DNA**

(By Sally Squires)

Nearly 100 of the world's top scientists gathered at the National Institutes of Health last week to propose formation of an international team to map the locations of human genes—a feat that is the biological equivalent of charting a vast, unexplored continent.

"The goal is understanding human disease," said Sir Walter Bodmer of London's Imperial Cancer Research Fund Laboratory. Bodmer chaired the human gene mapping meeting, sponsored by the Howard Hughes Medical Institute. A gene map of the human chromosomes, he said, would enable scientists to offer better means of disease "prevention and treatment."

Chromosomes are microscopic, rod-shaped bodies located in each living cell. Each chromosome contains one long strand of deoxyribonucleic acid, or DNA, the blueprint of life. DNA—or a similar chemical, RNA—is found in every living thing. DNA orchestrates every facet of development—from directing which cells will become part of the brain or heart to determining hereditary characteristics such as sex, hair color, skin and eyes.

Segments of DNA that direct the creation of a single protein are called genes. If one of these genes is missing or altered, the result can be a serious illness such as cystic fibrosis.

The more information scientists have about genes and their locations, the better they can diagnose, treat and prevent diseases. Gene mapping and cloning are already allowing the prenatal detection of some 15 genetic diseases, including cystic fibrosis, Duchenne's muscular dystrophy, sickle cell disease and hemophilia.

Since 1978, scientists have been able to identify and clone, or genetically copy, some of the specific genes that cause these defects.

Work is also progressing on other diseases that are suspected of having a genetic basis,

including heart disease and cancer. The goal is to treat these diseases by gene therapy—that is, altering the gene to either prevent or treat a disease. But unless scientists know the location of specific genes and how they work, they are limited in the treatment they can provide.

Mapping specific genes in humans and in other closely related animals, including mice, will help scientific develop treatments for genetic disease, researchers say.

"We're just now becoming aware of the genetic basis for development," noted Dr. Frank H. Ruddle, a Yale University biology professor who participated in the meeting. "As we become aware of genetic mechanisms of development, it will give us insight into abnormal birth defects, genetics and the environment and it will give us insight into aging as well into neurogenesis [development of the brain and nervous system] and behavior."

Since the task of mapping the genetic structure is so complex and time-consuming, the scientists called for an international team of researchers from around the world who would work together on the project from various laboratories. Connecting these scientists would be sophisticated computer data banks to analyze and store information about the chromosomes.

But exactly who will coordinate and fund this project, which has been estimated to cost between \$1 billion and \$10 billion over the next decade, is uncertain.

"I'm in favor of the project," said Dr. James Watson, who shared the Nobel prize in 1962 for discovering the structure of DNA and now heads the Cold Spring Harbor Laboratory on Long Island. "But I think that I can say that everyone else at Cold Spring Harbor is against it."

The concern of many younger scientists, Watson and others told the meeting, it that research dollars—already in short supply—would be siphoned from other ongoing projects to fund the gene-mapping project.

Some initial organizational money may come from the Hughes Institute, the largest private philanthropic institution of any kind in the world. The institute already funds gene studies at Yale University, Baylor College of Medicine and the University of Utah. Hughes currently spends \$3.5 million annually to fund the New Haven Gene Mapping Project at Yale.

"What might be an additional role for Hughes is to participate in the coordination of the project," said Dr. Donald S. Fredrickson, president and chief executive officer of the Hughes Institute. The topic will be addressed at an upcoming board of trustees meeting, Fredrickson said.

NIH and the Department of Energy also are likely to expand their already central roles in gene research. Among other research, NIH now funds GenBank, a data base of gene information, housed at the Department of Energy's Los Alamos National Laboratory in New Mexico.

Estimates of exactly how much time will be saved with an international scientific effort vary. If work continues at its current speed, British scientist Dr. Sydney Brenner said, developing a gene map of the human chromosomes would take about "100 man-years to develop." With an international effort, the project "is well within one's ability to set up and do within a two- to three-year period."

"That means," said Nobel laureate Dr. Walter Gilbert of Harvard University, a molecular biologist and an advocate of the project, "that many of the benefits of

having the physical map . . . would be available to us by 1988-90." This advance would enable researchers to identify functions of specific genes and "speed up all future human gene cloning tremendously." Gene clones—artificially produced genes—can be used for a variety of purposes in detecting and treating disease.

When the project is completed, experts estimate, it will take some 10,000 books to list the names and descriptions of the 3 billion chemical units that make up the 46 human chromosomes. By the time the project is finished, new technology will likely allow the information to be stored on optical discs that can be read by lasers—similar to the way music is now recorded on compact discs.

While most of the assembled researchers were in favor of the gene-mapping project, they agreed to put off for several years the complete sequencing of the entire set of human genes. Sequencing identifies the building blocks of the DNA which make up the genes, but doesn't tell what the individual genes do. Sequencing is similar to a satellite image of a continent that shows in detail such things as deposits of minerals, whether there is snow on the ground, if there is a sand dune present or a lake or mountain range. Chromosome mapping might be compared to identifying where the cities are and what their functions are.

By mapping known genes first, scientists say they can gain significant amounts of information at a fraction of the cost of sequencing. In the meantime, waiting a few years will allow rapidly evolving technological methods to catch up with the demands necessary for sequencing.

It seems important to "complete the gene map which is already being put together and then wait until the technology for sequencing gets better and cheaper and faster and be prepared to go eventually to do the ultimate goal of sequencing," said Hughes Institute's Fredrickson.

In two to three years, said Dr. Leroy Hood of the California Institute of Technology, a vast new array of technologies will be available to help scientists in their quest. These advances will allow sequencing to occur "10 times faster, 100 times more accurately and 100 times less expensively" than current methods, Hood said. "To do this right, you have to have technology developments."

"In the long run, if we spend five years to develop powerful new kinds of technologies, we're going to be in a position . . . to make a better assessment to the extent to which complete sequencing is necessary or desirable," he said.

As part of this effort, Hood unveiled the first automated DNA sequencing machine in June. The technique assigns a color to each of the chemical building blocks of DNA. Lasers then read the colors and relay the information to a computer.

"By getting together, we can hopefully achieve a great deal more than we can separately," Bodmer said.

#### AIDS TREATMENT

**HON. ROBERT J. MRAZEK**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1986

Mr. MRAZEK. Mr. Speaker, today I introduced a bill designed to improve counseling, education, and services related to acquired

immune deficiency syndrome [AIDS]. This bill, identical to legislation recently reported out of the Senate Committee on Labor and Human Resources, would provide local communities with badly needed funds to help initiate networks of outpatient medical services for AIDS patients and persons who have been exposed to the AIDS virus. The bill is a timely response to a critical health care problem.

As you may be aware, the Public Health Service predicted last June that by 1991, AIDS will be among the top 10 causes of death in this country. Despite this grim fact, AIDS patients today often find themselves ostracized and unable to obtain the medical care that they desperately need. As AIDS becomes more widespread in our society, we must find compassionate ways of dealing with victims of this deadly disease. The best place to start is by ensuring that AIDS patients have access to physical and mental health care appropriate to their illness.

The AIDS Service Coordination Act of 1986 would fill a glaring gap in Federal health care funding by authorizing the Secretary of Health and Human Services [HHS] to make grants of up to \$1 million each for demonstration projects for networks of services relating to AIDS and AIDS-related complex. The bill authorizes appropriations of \$40 million for 1987 for this purpose. Grants could be made to public and nonprofit private entities, and applications from areas with a current or projected high incidence of AIDS would be given special consideration. These funds would be used to supplement, and not supplant any State, local, or other non-Federal funds otherwise made available for such services.

The demonstration projects set up under these grants would establish cost-effective networks of outpatient medical services for AIDS patients and persons who have been exposed to the AIDS virus. Services to be provided in the demonstration projects could include: First, comprehensive ambulatory care services specific to the diagnosis and treatment of AIDS; second, home health care services, hospice services, and respite care services; third, counseling and mental health services; fourth, case management services; and fifth, education for health personnel concerning AIDS and infection with the AIDS virus. No grant money could be used for construction or renovation, reduction of previous debts, payment for items or services covered by the Social Security Act, or payment for hospital inpatient services.

The bill also directs the Secretary to conduct a survey to determine the total number of U.S. children with AIDS who have been abandoned by their parents, the problems encountered by social service agencies in placing children with AIDS in foster homes, and recommendations for improving the care of children with AIDS who lack parental involvement and support.

This bill will not cure AIDS, but it will make the lives of AIDS patients far more comfortable. At a time when over 22,000 cases of AIDS in the United States have already been reported to the Centers for Disease Control, and when a total of 270,000 is expected by the end of 1991, it is incumbent upon us to help communities set up vital treatment programs.

I urge my fellow Members of Congress to join me in this effort to expand and improve treatment services available to AIDS patients. I would like to request that the text of my bill be inserted in the RECORD following my remarks.

#### H.R. 5305

A bill to authorize the Secretary of Health and Human Services to make grants for demonstration projects for networks for services relating to acquired immune deficiency syndrome, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### FINDINGS

##### SECTION 1. The Congress finds that:

(1) Acquired immune deficiency syndrome is a catastrophic disease and public health problem with consequences which pose significant challenges to American society. It has been declared the Nation's "number one public health priority".

(2) As of June 1986, over 21,500 cases of acquired immune deficiency syndrome have been reported. According to estimates by the Public Health Service, by 1991 there may be 196,000 cases of acquired immune deficiency syndrome and 125,000 deaths from acquired immune deficiency syndrome. The number of Americans who are infected with the AIDS virus is currently estimated to be between 1,000,000 and 1,500,000 individuals.

(3) The Public Health Service estimates that by 1991, the direct costs to provide health care for individuals with acquired immune deficiency syndrome will be between \$8,000,000,000 and \$16,000,000,000. In 1986, it is estimated the United States will spend between \$870,000,000 and \$1,300,000,000 for health care for individuals with acquired immune deficiency syndrome.

(4) The costs of caring for individuals with acquired immune deficiency syndrome are disproportionately paid for in certain urban centers. As of June 1986, there are 23 cities in which there are at least 100 cases of acquired immune deficiency syndrome and 1,000 cases of acquired immune deficiency syndrome related complex. Careful coordination of health services has significantly reduced the cost of providing health care in some urban centers.

#### IMPROVED CARE AND TREATMENT

SEC. 2. Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

##### "PART J—ACQUIRED IMMUNE DEFICIENCY SYNDROME

##### "DEMONSTRATION PROJECTS FOR ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 391. (a) The Secretary may make grants to public and nonprofit private entities for demonstration projects for the development, establishment, or expansion in service areas of coordinating networks for the provision of comprehensive and cost-effective health and support systems for eligible individuals. Services to be provided through each such network shall include—

"(1) comprehensive ambulatory care services specific to the diagnosis and treatment of acquired immune deficiency syndrome;

"(2) home health care services, hospice services, and respite care services;

"(3) counseling and mental health services;

"(4) case management services; and

"(5) education for health personnel concerning acquired immune deficiency syndrome and concerning infection with the AIDS virus.

"(b) A grant made under this section shall not be used for—

"(1) the construction or major renovation of facilities;

"(2) the payment or reduction of deficits of an entity which resulted from obligations which were incurred by the entity prior to the date on which the entity receives payment under a grant under this section;

"(3) payment for items and services for which payment may be made under title XVIII of the Social Security Act or under a State plan approved under title XIX of such Act; or

"(4) payment for inpatient hospital services.

"(c) No grant may be made under this section for a demonstration project unless an application therefor is submitted to the Secretary in such form and at such time as the Secretary may prescribe. Each such application shall contain—

"(1) information demonstrating—

"(A) that existing resources in the service area to be served by the demonstration project are insufficient to meet the needs of such service area for care and treatment of eligible individuals; and

"(B) that the entity applying for the grant has a successful record of managing projects which provide a variety of health services;

"(2) assurances that appropriate local health care providers and voluntary organizations have been consulted in development of the application for the grant;

"(3) evidence of coordination with, and support for the application for such grant by, local public health authorities;

"(4) assurances that the network to be supported by the grant will have appropriate relationships with an academic health center;

"(5) assurances that such network will make every reasonable effort to collect appropriate reimbursement for health services provided by or through such network to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(6) assurances that Federal funds made available under this section for any period will be used to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the services for which funds are provided under this section and will in no event supplant such State, local, and other non-Federal funds;

"(7) a description of the manner in which the entity applying for a grant under this section will evaluate the services and activities provided by or through the network to be developed, established, or expanded with such grant; and

"(8) such other information as the Secretary may prescribe.

"(d) In making grants under this section, the Secretary shall give special consideration to applicants from service areas with current or projected high incidences of eligible individuals, including service areas with current or projected high incidences of eligible individuals who are children or who are intravenous drug abusers.



"(e) The Secretary may not make a grant under this section in any fiscal year to any entity which receives or has received a grant under section 301 of this Act pursuant to the provisions of Public Law 99-178 for a project demonstrating the delivery of health care services to victims of acquired immune deficiency syndrome.

"(f) No grant under this section for any fiscal year may exceed \$1,000,000.

"(g) For purposes of this section—

"(1) the term 'eligible individual' means any individual who has acquired immune deficiency syndrome or any individual who is infected with the AIDS virus;

"(2) the term 'nonprofit private entity' means an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 (other than

a private foundation as defined in section 509(a) of such Code); and

"(3) the term 'service area' means a metropolitan area which has a significant incidence of acquired immune deficiency syndrome, as determined by the Secretary.

"(h) To carry out this section, there are authorized to be appropriated \$40,000,000 for fiscal year 1987. Amounts appropriated under this section shall remain available for obligation or expenditure until September 30, 1988."

#### SURVEY ON CHILDREN WITH ACQUIRED IMMUNE DEFICIENCY SYNDROME

SEC. 3. The Secretary of Health and Human Services shall conduct, or shall provide for the conduct of, a survey to determine—

(1) the total number of children in the United States with acquired immune deficiency syndrome who have been abandoned by their parents and are living in hospital environments;

(2) the total number of children in the United States with acquired immune deficiency syndrome who have been placed in foster care;

(3) the problems encountered by social service agencies in placing children with acquired immune deficiency syndrome in foster care; and

(4) recommendations for improving the care of children with acquired immune deficiency syndrome who lack ongoing parental involvement and support.